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NEW HAVEN COLONY HISTORICAL SOCIETY

ANCIENT TOWN RECORDS

VOLUME I

NEW HAVEN TOWN RECORDS

1649-1662

EDITED BY

FRANKLIN BOWDITCH DEXTER, Litt.D.



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THE TUTTLE, MOREHOUSE & TAYLOR COMPANY

This is the first volume of a new series of the Society's publications. The character of the series is indicated by the Title page, and it is hoped that from time to time the Society will be enabled to publish additional volumes until all the earlier Town Records of the Colony are in print.

The publication of this volume was undertaken at the suggestion of Mr. William S. Pardee, one of the Directors of the Society, who also made it possible for the Society to publish it. We take this opportunity of expressing our appreciation of the very generous interest which he has shown in the matter.

To Prof. Franklin B. Dexter, who has edited the volume, and put it through the press, we are also deeply indebted. The publication of the book has involved great and exacting labor, which Mr. Dexter has freely and cheerfully given. The Society has been most fortunate in having his services in editing this, the initial volume in its new series.

We would also make recognition of the assistance rendered by Mr. George S. Godard, State Librarian, in preparing for the printer a photostat copy of a manuscript copy of the original Records, which was made some years ago by Mr. Dexter and deposited in the State Library.

WILLIAM A. BEARDSLEY,	}	<i>Publication Committee.</i>
THOMAS M. PRENTICE,		
SIMEON E. BALDWIN,		
WILLISTON WALKER,		
THEODORE S. WOOLSEY,		

In 1857 the State of Connecticut printed, under the editorship of the State Librarian, Charles J. Hoadly, the first volume of the Records, of the Colony and of the Plantation or Town, of New Haven, extending from June, 1639, to January, 1649-50; and in 1858 was issued a second volume, completing the extant Records of the Colony (or Jurisdiction) of New Haven, from May, 1653, to the union with Connecticut in 1665.

PREFATORY NOTE

The volume now issued continues the Records of the Town from February, 1649-50, to July, 1662, and the minutes given are described as those of "the General Court for New Haven," or of "a Court held at New Haven." The former term is equivalent to the later name "Town Meeting," which is once used (p. 54); while the latter is more precisely described in one instance (p. 228) as "the Particular Court," for which see note on p. 18. There are also included the minutes of five sessions (pp. 113-17, 142-44) of the "Townsmen," later known as "Selectmen."

The paging of the original manuscript is indicated by the insertion in the text of numerals in square brackets.

It is hoped that the other records of the proceedings of the Town of New Haven during its first century, still remaining in manuscript, may soon find a place in this printed series.

These are:

1. Volume 3 of the Town Meeting Records, from August, 1662, to March, 1683-84, pp. ii, 282, which is now being copied.

2. Volume 4 of the same series, extending from April, 1684, to April, 1769, pp. 513. Both of these volumes are in excellent preservation.

3. A volume of records of the Townsmen (or Selectmen), from 1665 to 1714, pp. 158. These pages after having for a long time lain neglected, have been recently mounted on silk and rebound; but the leaves are badly mutilated and not arranged in consecutive order, and the volume is incorrectly labeled. A recent copy, prepared for publication, is in the Library of the Historical Society.

4. The earliest extant volume of the Records of the "Proprietors' Committee of Common and Undivided Lands," from March, 1724, to April, 1749, pp. xi, 198. This is in fair condition.

F. B. D.

New Haven Town Records

1650-1662

[1] AT A COURT HELD AT NEW-HAVEN THE 5TH OF FEBRUARY 1649
[i. e., 1649-50]

Isack Beecher* being formerly warned to the Court now appeared, and was tould, that it was because his man wanted Armes. he said his man was to finde himselfe Armes, but was told that his man y^e last Court† denied it, therfore it will lye upon him to prove it, but hee said he could not prove it, he was told if he desire it, it may be respited till y^e next Court, when he and his man may be here together, but he rather chose to paye the fine and to seeke his remedy from his man: so y^e Court ordered him to paye y^e fine sett by the Generall Court in that case w^{ch} is tenn shillings: /

M^r Evance declareth: on behalfe of the Jurisdiction against Thomas Jeffery, for six pownds eight shillings eight pence in wampome w^{ch} was sent from Southold by him to y^e said Evanc towards ther rates to the Jurisdiction: but Thomas Jeffery deteyneth the wampome in his hand and will not deliver it according to the Order of them that sent it.

Thomas Jeffery answered it is true he received such a somme, and told M^r Evanc of it, and caryed him the letter that was sent wth it but because ther was money due to him for carying the Magistrats to Southold, he thought he might keepe the wampom in his hand and paye himselfe. The Court told him that was not in his power to doe, but he ought to have delivered the wampom according to y^e Order of them that sent it: and might haue required his paye of the Treasurer for what the Jurisdiction owed him, but M^r Evanc further informed the Court that for the

* Great-great-grandfather of Dr. Lyman Beecher; died 1690.

† See N. H. Colonial Records, i, 498.

paying for the passage of the Magistrats to Southold, wth some other Charges laid out by Thomas Jeffery, w^{ch} came to in all aboute fower pownds thirteen shillings, Thom Jeffery desired him to paye five pownds for him in the bay, and accordingly he did shipp goods and sent them to his brother M^r Lake in y^e baye to paye it: so that he hath no cause to deteyne this wampome vpon that ground: Thomas Jeffery acknowledged that he gave M^r Evanc Order to paye five pownds for him in the baye, but intended to paye him that againe, when he received his paye for bringing the sheepe from Long Island, and thought to paye himselfe for carying the Magistrats out of this money in his hand, he further saith he thought M^r Evanc had bine satisfied that it should be so. The Court told him that it was not at his choise nor had he any cause to keepe the wampome vpon that ground he pretended, seeing it was satisfied another waye by his owne Order; and M^r Evanc said he was not satisfied, but declared himselfe otherwayes, and M^r Ling being in Court said he heard M^r Evanc declare himselfe vnsatisfied wth Serjant Jeffery, for keeping the wampome in his hand that was sent from long Island. in y^e Issue Thomas Jeffery said he was willing to deliver y^e wampome to M^r Evanc; and y^e Court ordered that it should be so done forthwth. for the Charge of y^e Action the Court saw cause to remitt it: /

Thomas Jeffery was further told he was warned to this Court to show by what right he sould the boate wherin he lately went, wherin himselfe had but a third parte and John [2] Griffen a third and Jn^o Chapman a third w^{ch} was attached for the Jurisdiction. he said it was not cleere whether John Griffen had a third or no, and for John Chapman he gave him order to sell it. he was asked if he can prove it, for Jn^o Chapman denyes it, he said no way, but by his owne oath. he was told that will not serve in his owne Case, vnless the other partie bee satisfied therwth. M^r Bryan of Milford who had had two thirds of the boate being present said it could not be proved that he sould John Griffen a third of the boate, but was told it was generally apprehended he did, and that Serjant Jeffery himselfe had told the Gouverner, severall times that Jn^o Griffen had bought one third of the vessell, but had not fully paide for it, and that Ensigne Bryan for want of payment, thought to take his part backe, and dispose of it as his owne. the Gouvern^r told Serjant Jeffery that might not be, the

propertie of the third part of the boate being once alienated from Ensigne bryan to John Griffen: and John Griffen being now dead, Ensigne Bryan must proue his debt, and as other Creditors receive payment out of the Estate. M^r Fowler of Milford and M^r Evanc vpon this occasion testefied, that they had severally heard Ensigne Bryan say, that he had sould a third of y^e boate to John Griffen, or that a third part of y^e boate is John Griffens, or words to that purpose. The Court thought that Ensign Bryans owne acknowledgment, thus proved was sufficient to prove John Griffen to be the owner of a third part of the boate in question, yet vpon the desire of Ensigne bryan and Serjant Jeffery it was respitted till next Court, and the Treasurer and Secretarie were desired in y^e meane time, to pervse John Griffens wrightings, to see if any thing may be found therin concerning this boate: /

M^r Goodenhouse was called to give in securitie for the portions of his wives children, but he was not prepared, thoughe he hath bine often called vpon to doe it,* and promised it before this time. The Court was willing to give him time till next Court, but if it not then done he will fall under a fine for his neglect: /

M^r Gibbard the Treasurer informed the Court that Luke Atkinson refuseth to paye some rates, because he saith ther was a mistake in his rates formerly, that he paide too much. the Court thought if he had, it should be allowed, but he was wished to call the Treasurer and goe to the Gouverner and cleere it that he may not deteyne rates w^hout cause: /

Richard Fido servant to M^r Gibbard, and Nicolas Sloper servant to M^{ris} Gregson were called before the Court & told that they stand charged wth sundrie miscariages as theft, lying, disorderly night meetings, drinking sacke, strong watter, and having ther feasts in the night, wth the goods stollen from ther Gouverners or others, w^{ch} vpon Examination they haue confessed, and deserved to be kept in prison, but they were left to the dispose of ther Master and Mistris, w^{ch} might haue bine an Ingagment vpon them to haue made them keep from such sinnfull courses but notwthstanding they haue since runn away and that vpon the Saboth, stolle sundrie things, and brought great disturbanc vpon the Saboth, the Magistrats being necessitated

* See N. H. Colonial Records, i, 453, 480. His wife had been the wife of Capt. Nathaniel Turner.

[3] to send men after them the charge wherof they must beare though the men tooke them not, but God sent Indians after them who tooke them and brought them backe by force: they were now wished to speake and make a true full and free confession of the severall miscariages of this nature, w^{ch} they know by themselues or others.

First Richard fido spake and said that he being acquainted wth James Clements aboute harvest was twelve moneth, he came to ther house, on lecture day, when his master was gon to meeting, wher they staid and drunke and fryed some eggs and eat them together. ther hung a pistoll in the house, James said he must haue that pistoll, and he let him have it, and hee caried it away, and after let Captive have it, who sould it to an Indian for twelve shillings, after w^{ch} when James came to live at M^r Hookes, they had speech together, that when Richards time was out, they would be mates together and take a farme and were considering how they might doe for chaines and other tackling, fido said they should haue wth the farme, but James replyed & said no, wee can truck* them, meaning they could steale them. And accordingly James stole a chaine from M^r Atwaters corner,† w^{ch} hanged vpon the pailes, and that they together stole another chaine, of Goodman Moulthrops, also James stole three bells, one of one of Isacke Beechers oxen, one of Goodm Whitnels cow, and another he conceives of his Master M^r Gibbards oxen, and one axe and six harrow teeth, w^{ch} he said he had all or some of them out of a harrow w^{ch} lay aboute the Gouvern^{rs} Lott. these things they caried and hid in a hollow tree, on the other side the west bridg,‡ and he thinkes they are ther still & to cleere it the Court sent Samuel Ceffinch§ & William Peck to search for them, who found them and brought them before the Court. After this ther was a heiffer of his Masters went into M^r Hookes yard,|| wth some other cattell, and he went to seeke for them; and James was ther and said to him, if they could truck his heiffer it would make them. at first he seemed vnwilling, but consented and they stole

* Properly, to barter.

† The northwest corner of Chapel and College streets.

‡ Leading from the extension of Broad street, to West Haven and Milford.

§ Caffinch.

|| On the southwest corner of College and Chapel streets.

her, and agreed to haue her goe ouer to Nicolas baylyes farme, where she might goe and the matter not be discovered, and the next day James drove her theither wth some of M^r Hookes cattell, hauing cut of her eares that M^r Gibbards Eare marke might not be seene (,though fido denyes that, but Thom Meekes* and Captive said hee did owne it to them). after this he was threshing pease in his Masters barne, and James Clements came and asked him for two bushells of pease to sow, and he let him have them and at night he fetched them away, and at the latter end of the last summer, he asked him for some corne, but had none, and a littell before he went to Stamford, he asked him to come downe to Thomas Meekes his, so one night he went and ther was Captive & Thom Meekes and his wife, and they satt by the fire and drunke strong watter, and after James asked him to come downe one night to supper, and Thomas allso desired him & told him he should haue some company, and he would faine haue him come downe and as he went home James told him [4] that Thomas Meekes would faine buy the heiffer, but fido sd he was not willing she should be sould, James said he would not but would come in the spring & fetch her and she should be wintered at Nicolas baylyes: but after James was gon he heard that Meekes had bought her, and paide James three pownds, and was to pay hime forty shillings. So the heiffer was brought home to Thomas Meekes by James his Order, and he kept her a while in his yard, but she gott out and came home to his masters yard, who knew her and owned her & kept her. Thomas Meekes missing the heiffer looked for her & see her in his masters yard, but would not speake to M^r Gibbard aboute her, but desired to speake wth him first, who was also exceedingly troubled fearing, it would be discovered, and went to speake wth Thomas Meekes; but finding him not at home, went to Jeremiah Howes & found him there, and told him the heiffer was come home, and he could not tell what to doe. Thomas Meekes said he had bine to looke for the heiffer & seeing her in y^e yard, would say nothing to his Master because he could not see him, who told him that James and he had stole the heiffer, from his Master, and praid him to say no thing, and what he had paide James, when his time was out, he would repaye, and Thomas Meekes promised to keepe

* Mix.

it seecret. after James was gone hee mett wth Captive, and he told him James had left a gret deale for him to paye, and that hee told Goodwife Harrimann he would help her to a bushell of summer wheat, and asked him for some, he said they had none, then asked for one bushell of maslin, and he would put it of to Jeremiah How, so he stole a bushell from his Master, and Captive came and fetched it away one night, aboute an hower or an hower & a halfe after sunn was downe, and caried it to Jeremiah Howes. after he stole another bushell and sent it to Thomas Meekes his by Sloper, wth a peece or two of Beefe in it, and bid him tell Meekes that ther was a peece of the heiffer, and after his Master and the whole family was in bed, he arose and went to Thomas Meekes. Captive came out to him in y^e yard, and told him Sloper was wthin, and ther was Meekes and his wife, and the girle was sent to bed. So they went to supper, and had the beefe he sent, and a suit pudding. at supper Thom Meekes said, this is a remarkable peece of beefe, he answered he tooke it a good way downe in y^e tubb, after supper they satt by the fire, and had some strong watter w^{ch} they drunke and went home. as they went home Sloper would haue them goe into his Mistris his house, when she and y^e family was in bed, wher they staid a while by the fire: ther lay a deares skine, dressed by the Indians, w^{ch} Captive desired and Sloper gave him. after this he mett wth Captive aboute Thomas Meekes his, and he asked him to goe in. he said Thomas Meekes would be angry, captive answered no, this is the bravest house in the Towne:/

[5] They will say nothing, so they went in and sat a while by the fire, and went away. Captive asked him when he would come againe, and told him James and hee could meete ther every night if they would: as they went along Captive asked him to help him to some powdr, he said they had powder stord in y^e chamber, where he lay but he durst never take any. Captive said he might venter to take a littell: and not be missed, so he did take aboute one pownd, and sent it to Captive by Sloper: halfe of w^{ch} Captive said he trucked wth the Indians and some he said he had of James Clements: and some bullitts he bought of Henry Hummerston, w^{ch} he said hee could sell to the Indians for as much more as he paide for them. Further he said that James Clements told him that when he lived at M^r Malbons,

Captive and he could open any locke in the house and get wampome and sacke and suger, and stronge watter, and that on* tim[e] they gott a parcell of wampome of six shillings, and that Captive helped James to a bushell or halfe a bushell of pease and another time gott halfe a bushell of wheate, but fearing it would be found, scattered some of it in y^e Lott, and some in y^e barne amonge the strawe, and that Captive vsed to bring beefe and suit and candell to Thomas Meekes his. for Sloper he helped James Clements to two lockes, a blanket, a sheete, two paire of breeches and some other things. he was asked what he said to his running away, he answered that he thought that he should not be able to beare the punishmt, and Thomas Meekes had said to Sloper they would be halfe hanged. So they agreed together to runn away, and aboute two howeres before day, vpon the Saboth day morning, they went away, and he tooke wth him two loaves of bread, and a peece. And two peeces of meate, and a gunn and some powder and bullits, and ther dogg, So they went on, and sitting downe to eat some bread: some Indians came and tooke them. further he saith that Captive helped James Clements to a small pig of lead, w^{ch} he said was left on his cart, one day when he caried goods for a man from y^e watter side: /

Nicolas Sloper being called to speake acknowledged his miscarriage in this buisnes, he said that he came acquainted wth James Clements one night when he watched wth him. James asked him to live wth Thomas Meekes when his time was out, he said it was the best place that ever hee came in. a while after he went to help him hurske corne and as he went home James asked him, if he had nothing to give him, he said nothing but a little wampom. he said he would haue none of that, he asked him if they had no cattell, he could help him to, he told him no, he said he asked but in jest. and one time when his Mistris and children was abroad, James went wth him into the chamber, and ther lay sheets. James said he must have one of them, and a blanket and two paire of Breeches, two lockes, a bolt and a hatchet, he told them hee [6] durst not, it would be discovered, and they should be punished. James said no, Richard fido helped him to a pistoll, a great while agoe and it was never found out and also some other things, and named chaines and bells and

* One.

Harrow teeth and an axe. James further told him he tooke a bell of* of a cow in the necke, and sould it to Nicolas Bayly, and told him he bought that and anothe^r for five shillings. Vpon these perswasions he let him have them, and he bound them vp in a bundill and came in the night and fetched them away, and two or three nights after James was gone, Captive mett him and told him James had left him a great deale to paye, 14 or 15 s. to Jeremiah How, and asked him for some corne, to help him to paye it. he was vnwilling but Captive prest him, and he promised to help him to a bushell, and did steale a bushell of Indian corne from his M^{ris}, and by his order caryed and laid it ouer the stile of M^r Augars lott,† and Captive caryed it away, but he knowes not whether: so it went on and he went now and then to Thomas Meekes his, and Captive would often be ther, fetching and drinking strong watter, and that Thomas Meekes said to him the said Sloper, if his M^{ris} give him leave to goe forth, he might come theither and be welcome. after this Captive asked him for a bagg, and he gave him one of his M^{rs} baggs, and he caried it to Richard fido, for a bushell of corne w^{ch} Richard stole from his Master, and he the said Sloper caried it to Thomas Meekes his wth a peece or two of meate in it, w^{ch} they wth Thomas Meekes and his wife had to supper on night. After supper as they were goeing home they went into his M^{ris} house & staide a while, and then gave Captive the deares skine Richard spake of, and a pillow beare‡ w^{ch} Captive said would make good Neckclothes. Hee said also that Captive told him, that James and he could gitt into any of M^r Malbons roomes, and gitt sack & suger, strong watter & wampome. and further hee acknowledged, that now when he did runn away, he stole from his M^{ris} a gunn and a suit of cloathes & a loafe of bread.

Captive an Indian, servant to M^r Malbon was called before y^e Court, and the Court informed by the gouerne^r of his former miscariages, in being out of the family in the night, and would not come in to dutyes, and that M^{ris} Pery§ and James Bishopp hath made sundrie complaints of him, whervpon he sent for him.

* Off.

† On the southeast corner of Church and Elm streets; Mrs. Gregson lived on the southwest corner of Church and Chapel.

‡ Pillow-case.

§ Mary, daughter of Richard Malbon, and wife of Richard Perry.

and examined him, but he caried it in a very stubborne sullen manner, and would not answer nor acknowledge his fault. Hee was bidden now to acknowledge his severall miscariages in this buisnes, he said he had spoken what he could but was bidden to speake it againe. he said he had a bushell of corne of Richard fido, w^{ch} he caried to Jeremiah Howes as soone as he had it, w^{ch} was in y^e evening aboute an hower after sunn sett, also he stole two bushells of pease from his Master, and James Clements had them, and said he would [7] cary them to Thomas Meekes, also half a bushell of wheat w^{ch} he tooke, but hearing of a search would be made, threw some of it in the Lott, and some amonge the strawe in the barne, another time a pecke of wheat, w^{ch} he caried to the farme, ground it, as he went eat some of it and left the rest ther, yet this pecke of wheat, he said he bought of Geo: Laremore as Nicolas Bayly and his wife say they will testifie, also he saith he hath stole from his master five peeces of beefe, aboute 1^{lb} of suit, & 3 or 4 candeles, w^{ch} were caried to Thom Meekes his house and spent their. Another time he saith hee stole some pease in y^e chafe* from his master, but cannot tell how many. they were in a sacke and James Clements had them, also about 4^d or 6^d in wampome, w^{ch} hee tooke out of his Masters roome, being asked how he came in he said he thought the dore was left open. he was asked what he said to picking of lockes, and gitting into his masters roomes, stealling sacke suger strong watter and wampom, he said he never opened any locke, nor did he see James open any, though it is true they could doe it. fido and Sloper both said againe that James Clements told them they did doe it. Captive said that they never did gett any strong watter, further he saith he stole halfe a bushell of pease from francis Newman: and he could say no more. he was asked if he knew nothing of a pigg of lead, he said yes, he caried som goods for a man from the watter-side and it was left in his cart betwixt two sackes. it was about 14 or 16^{lb}: he kept it and gave it to James Clements. it was inquired whose it might be and by what some said it seemed to be John fosters of fairfeild. he was asked what he said to his trade wth the Indians, he said he sold a pistoll he had of James Clements, and some powder he had of Richard fido, and some he had of

* Chaff.

James, but cannot tell how much nor how many times. he was asked what recourse he hath had to the ordinary, or Jeremiah Howes, or to Thomas Meekes his: he sd he hath bine at y^e ordinary many times, but wth Richard fido but once, and at Jeremiah Howes & Thomas Meekes his he cannot tell how often. he was asked how he came to begine to goe to Thomas Meekes his, he said James Clements wished him to come thither. he was asked if he said Thomas Meekes his house was y^e bravest house in y^e Towne, they will tell nothing. he answered he cannot tell, maybe he might. he was asked what he knew of stealing the heiffer from M^r Gibbard, he said he knew they stole her and cut her eares of, and sent her to Nicolas Baylyes farme. he was asked what he hath spent at Jeremiah Howes. he said he cannot tell, but one night they spent 5^s in strong watter, wherof one qrt was burrned at Jeremiah Howes, and he fetched 1^{lb} of suger at M^{rs} Higginsons,* and caried wampom for it: /

Thomas Meekes was called before the Court, and charged that he hath kept disorderly night meetings at his house, intertaining folks servants, to drinke stronge watter, and ffeast at his house wth ther Masters goods w^{ch} they have stollen, and that he knew it and concealed it, that he spake words, w^{ch} occasioned fido and Sloper to runn away, that he invited them to his house, and [8] gave them an Item† to be ware how they caried on this theefish trade, least it should be found out, saying this is a remarkeable peece of beefe, that he bought a heiffer, w^{ch} he had ground inough to thinke was stollen, and when he knew it was stollen yet concealed it, but he was bidden to answer for himselfe, and make an acknowledgment of his severall miscariages in this buisnes: for his sinn is verrey great and pernicious to the common wealth.

Thomas Meekes said that it is true James Clements did bring from Captive, five peeces of beefe, aboute 1^{lb} suit, w^{ch} they dressed for them, and Captive brought 3 or 4 candells, and ther hath bine sundrie meetings at his house of James & Captive, fido & Sloper: to drinke stronge watter, and eat some meate, also that one time he did receive a bushell of corne, and a peece or two

* Wife of Theophilus Higginson, a son of Rev. Francis, of Salem, Massachusetts.

† Intimation.

of beefe, w^{ch} Sloper brought from Richard fido, w^{ch} they dressed for them to supper; and that one time he did invite Richard fido to supper; and told Sloper if his M^{ris} gave him leave he might come, and for the heiffer when James went away, he told him he had a heiffer he would sell him, w^{ch} was at Nicolas Baylyes farme, w^{ch} Richard fido and he had betwixt them, w^{ch} was a poore calfe, that Richard fidoes Master gave him. So he bought the heiffer for 5^{lb} and pd James 3^{lb} and was to pay 40^s to Richard fido: and Nicolas Bayly was to deliver the heiffer to him, and did, and he kept her a whill in his yard, but she gott out and went to M^r Gibbards, and he goeing thither saw her in y^e yard, but because he bought her not of fido, as well as James, he would not speake to M^r Gibbard, till hee had spake wth fido, and when he spake wth him, he vnderstood that they had stole the heiffer from M^r Gibbard, yet vpon his desire he promised to keepe it secrett. Henry Hummerston said that he was in Thomas Meekes his house vpon some occasion, when James and he was bargaining for y^e heiffer, and vnderstanding that it were betwixt James and fido, he questioned how they could come by such a heiffer, and said when he was a servant, he could not gitt any such thing. Therfore he questioned wheither they came honestly by it or no: but James was very angry wth him for so saying, and afterward he often asked Thomas Meekes wher the heiffer was, and why he fetched her not home, being* she was in the towne. Thomas said she was some where in the quarters, and being was a dry heiffer she would doe well inough. Thomas Meekes was told that Henry Hummerston said might give him ground to suspect, at least to inquire of M^r Gibbard, yet as on willing to buy her, wheither they came truly by her or no, he would goe on, and when he knew she was at M^r Gibbards yet would not tell Henry Hummerstone so, but put him of wth other answers w^{ch} he knewe were not true, and can it be thought that any man y^t came honestly by a heiffer of 5^{lb} price, would lett her goe away in such a manner; but he was silent and could not answer, but said he desired to owne his sinn: /

[9] Rebecka Meekes, wife to Thomas Meekes, was called befor y^e Court and told that amonge severall others, she was charged

* Since, or seeing that.

wth partaking wth them in ther sinn, intertaining mens servants in y^e night season when ther Gouverners were in bed: that she hath satt and drunke strong watter wth them, vnfitt for her sex in such season & in such a manner, and when her husband hath wth drawne, she hath kept them company, and received other stollen goods, as beefe, suit, candells, dressed them and made feasting wth them, that she hath knowne of y^e stealing of a heiffer that her husband bought and concealed it: by w^{ch} meanes one of them that stole it is escaped, and by this course servants may be encouraged to steale when they have such to receive it from them, and it was a great agravation both in her and her husband, that it was so quickly after they were sentenced in this Court for other sinnfull miscariages.* She was bid to speake if she had anything to say to cleere herselfe. She said she knew not that the heiffer was stolen, till after she was gon to M^r Gibbards, but was told that what Henry Hummerstone said, might give them ground to suspect it, yee the very buying of it of another mans servant had an ill show in it, and when she did know it was stollen she yet concealed it, she was bidden to speake if she had any more to say: she answered she knew not what to say: /

Things being thus prepared the Court proceeded to sentence, and the delinquents being before the Court were told that the Court haue considered what is proved and confessed, concerning their miscariages: First that Richard fido hath bine a false vnfaithfull servant to his Master, and that is an agravation of his sinn, because men repose Trust in ther servants, and cannot so well provide against ther theft as others: and this hath bine a Tract and a course caried on long, at severall Times in severall things, yee after conviction before y^e Magistrat, yet then runn away, and stole sundrie things a second time, and this was done vpon the Saboth day, and therin brought great disturbance to the Towne to send men after them; and charge w^{ch} must be borne by them: The sentenc of y^e Court is, that he for his theft first and second time, make treble restitution, things being truly vallewled: and for stealing a second time after conviction, runing away vpon the Saboth, and sundr[ie] lyes told, that he be whipped, that he paye the charge of the prison, and halfe the charge aboute sending men after them and takeing them: and

* See New Haven Colonial Records, i, 469.

if he be not able to paye, he must serve out so much time, wth his Master or some other that will laye it downe for him: and to be imprisoned till next Lecture day* when he is to receive his correction: /

For Nicolas Sloper who hath robbed his M^{rs}, and gon on in such a tract and course of stealing, wth the same agravations and wth hardnes of heart, adding many lyes to his theft: the sentenc of the Court is, that for the things he hath stole, first and second time, he make treble restitution, and paye halfe the charge in pursuing them, and taking them, and y^e charge of y^e prison, and if he be not able to paye he must be sould for his theft, for that is y^e law of God:† and for the sinn of stealing a second time after conviction, for his running away and for [10] sundrie lyes told, that he be whipped: & to continew in prison till the Lecture day next weeke, when he is to receive his correction: /

For Captive the Court lookes vpon him as more loaden wth guilt then either of the other two: for he is guilty of sundrie thefts, and of inticing and provoaking others to steale, and vsed many Arguments to perswade them thervnto, he is guilty of many lyes, and of a stubborne sullen Cariage, even before Authority, beside he hath picked lockes, stole wampome, suger, sacke and other things from his Master and others: and considering his sinfull confederacy wth James Clements, how they haue bine linked together in these sinnfull courses, thinke fitt to respite his sentence, till they may see, if James Clements be brought, or else to some other Court: /

For Thomas Meekes and his wife, they are guilty of intertaining & inviting mens servants, such as they might well suspect came in a disorderly sinnfull base way, in y^e night when ther Gouverners were in bed, to drinke strong watter, some time 5^s in a night, they have also received stollen goods, and that against ther light, for when Sloper brought the bushell of corne, he said it was not safe for him to receive it, yet did, and two peeces of meate wth it, also five peeces of beefe, suit and candels from Captive, dresse it and feast wth it: they buy a heiffer of 5^l price, w^{ch} they might vpon grounds declared to them, conceit

* This Court was held on Tuesday, February 5, 1649-50; and the next Lecture day appears to have been on Wednesday, February 13.

† See Exodus xxii, 3; and N. H. Colonial Records, ii, 575.

she was stollen, and when they were told it was stole, yet then promise to conceale it, the Court considered what a mischeivous example this is, and how dangerous it is to nourish vnrighteousnes & disorder in a plantation: for who can be secure, of his Children or servants, or goods, if this be allowed. Therfore the sentenc of y^e Court is that Thomas Meekes paye twenty pownds as a fine for these misdemenours and miscariages, and when fido & Sloper is whipped, he and his wife are to come to y^e whipping post, and stand ther, putting each of them one hand into y^e hole of the post whill y^e other are whipped: that they may haue part of y^e shame w^{ch} ther sinn deserveth: and to give security for the fine, or paye it presently, and to paye the due charges of the prison: /

M^r Goodenhouse before the Court ingageth himselfe, for y^e payment of this fine of twenty pownds wthin a moneth: and ingageth himselfe in 10^l more, for the appearanc of Thomas Meekes and his wife* to fullfill the sentence of y^e Court when fido and Sloper are whipped.

M^r Evanc declareth against the Estate of Thomas Fugill† for a debt of 4^l: 11^s: 2^d: due to him as appeareth by his booke, w^{ch} stands faire as y^e remainder of an Acc^{ot} betwixt them [11] three or fower yeeres since: and further to prove it produceth Allen Ball, who saith that he remembereth, his brother fugill‡ acknowledged a Debt due to M^r Evanc, and said y^e deacons should paye it: and that he heard M^r Evanc say it was 4^l: or 4^l od money, but rememberes not that he heard his Brother say how much it was: further Allen Ball said, that ther was some squared Timber, w^{ch} Goodman Andrewes had, for M^r Evanc, towards y^e payment of this debt, vallewed by his brother Fugill at 50^s: and three barrells M^r Evanc men had of his brothers, for ther Masteres vse: M^r Evanc not knowing of these things, and parties being not p^rsent to cleere it, it was refferred: /

* Rebecca Turner, step-daughter of Samuel Goodenhausen, or Van-goodenhausen.

† He had been dismissed from his office as Secretary of the Colony and excommunicated from the New Haven Church in 1646, and had then returned to England.

‡ Brother-in-law, Ball's wife being Dorothy Fugill.

AT A COURT HELD AT NEWHAVEN THE 5TH OF MARCH 1649

An Inventory of the Estate of John Clarke deceased was p^resented in Court, Amount to made the 13th of May 1648: prised by Mathew Gilbert, John Wakeman, Jn^o Moss and Samuel Whithead, vpon oath for y^e vallew of y^e Goods: they also as persons intrusted to looke after the said Estate, tooke oath, that the whole Estate of Jn^o Clarke is to the best of ther light and knowledge conteyned in y^e parcells and particulares mentioned in the said Inventory: /

Thomas Lamson also p^resented to y^e Court an Inventory of y^e Estate left by paule Williamson, amount to thirty five pownds thirteene shillings made the 2th of Feburary 1649: prised by Samuel Whitheade & Mathew Camfeild, vpon oath for the vallew of the goods: and Thomas Lamson who married the widdowe of the said Paule Williamson tooke oath that the whole Estate he received wth his said wife, to the best of his light and knowledg is conteyned in y^e parcells and particulares mentioned and prised in y^e said Inventory: /

M^r Samuel Goodenhouse appeared, as he was last Court ordered, to give security to y^e Court, for the portions of his wives chilldren, w^{ch} have not yet received it, that is for fouer of them: viz^d: Nathaniel, Isack, Abigaile, and Hannah Turner: Amount to one hundred eighty eight pownds & tenn pence in the whole, he doth now ingage to the Court, the whole farme w^{ch} was his wives, wth all buildings and fences vpon it, his dwelling howse at towne* he now lives in, and six oxen, and doth promise and ingage himselfe, to keepe all the houses and fences belonging to them both, vp and in good sufficient repaire; and not to alter the propertie of any thing ingaged, wthout Consent of y^e Court: /

[12] M^r Goodenhouse on behalfe of Thomas Meekes, desired the Court to abate some part of y^e fine lately laid vpon him, for his owne and his wives miscariages, or else to forbear: hee was told that the Court sees little Cause so to doe, considering ther cariage, but yet are willing to forbear it till next Court, w^{ch} will be a moneth hence, when Thom: Meekes and his wife may

* Captain Turner's lot was on the northeast corner of Church and Wall streets.

come, and make the motion themselves, and by that time the Court may see, further light what to doe: /

M^r Bryan of Milford was called and told that the buisnes concerning y^e boate, wherein Jn^o Griffen had a part, was refered till this Court: and now if he could he was to prove that Jn^o Griffen had not right to a third part of that boate, from him as his owne: he said it cannot be proved that hee made any contract wth Jn^o Griffen for it. he was told it was sufficiently proved by his owne words, to M^r Evanc, M^r Fowler and Serjant Jeffery, who all say that he himselfe [told] them that John Griffen had one third of y^e boate: and M^r Evanc further saith that M^r Bryan said that Jn^o Griffen had the dispose of his third also, w^{ch} shoves that hee looked vpon himselfe, as owner but of one third of the boate, therfore it lyes on M^r Bryan to prove that it was made ouer to him againe. M^r Bryan said, he denyes not but he might say one third was Jn^o Griffens, nor can he prove it was ever made ouer to him againe, but seing he hath sold two thirds to John Chapman, (conceiving he had a right so to doe) he desires he might have it, and if he cannot prove John Griffen more in his debt then that comes to, he will paye it out of his owne Estate. he was told that is another case, and the Court will be ready to yeild to any reasonable motion, but first the Court desired the matteres of Accounts concerning John Griffens Estate, both wth M^r Bryan and others might be cleered, that so every man might be paide so farr as y^e Estate will reach, and therfore desired M^r Evanc, M^r Bryan, Serjant Jeffery, the Treasurer and Secretarie, to meete & doe what they can, to cleere matteres of Account concerning the Estate: /

Jeremiah How being warned to the Court appeared. he was told that he was sent for the last Court, but he was not at home, but now the Court desired Information, from him, of all the corne, or what ever else, he hath received of Captive, Sloper, fido or Clements, or of any confederate wth them, and what strong watter they haue had. he said, he had onely one bushell of maslin, and halfe a bushell of pease, of Captive: James Bishop saith that Captive saith, he had a bushell & a halfe of pease, and Captive being sent for said it was so, a bushell at one time, and halfe a bushell at another. [13] Jeremiah How said he remembers not that bushell: he was asked what time he received the

bushell of maslin, he said by day light, for his wife is sure she looked vpon it by day light, but was told that Captive saith, it was an hower or an hower and a halfe after sun sett: and now Captive saith it may be it might, for it began to be darke. Jeremiah was asked if he thinkes it is a thing fitt and comely for him to lett such fellowes come and drinke strong watteres in his house, and cary away so much, as it is said 5^s worth in a night, and to receive corne w^{ch} he might suspect was stollen, and to speake of less quantity then they doe, and to burne strong watter for them. he said that his wife lett y^m haue that 5^s worth one night, they telling her that ther was 15 or 16 to drinke it, and for the burning any he remembers it not, but Captive now saith he did burne a pint for them one time. Jeremiah was told that it is strange he should receive corne & burne strong watter & yet know it not & that the Court knowes not how to reconcile these things—Therefore must refferre the matter to further consideration: /

A fine of Serjant Munsons laid October 2th 1649*: of 6^s 8^d was remitted, also a fine of 5^s of Robert Meakers, laid then also: and 2^s 6^d to M^{ris} Gregson August 7th 49; and 7^s 6^d to Henry Pecke, Aprill 3th & October 2th 1649: / † the Court saw cause to remitt all these fines: /

AT A GENERALL COURT HELD AT NEWHAUEN APRILL 3TH 1650

It is Ordered that if any person shall be found standing, or sitting wthout the meeting house in the time of the ordinances, vpon the Saboth or Lecture dayes, when necessetie of weaknes doth not compell them, or that they cannot give a sufficient reason of ther being ther, he or they shall forfeite for every default 2^s a person, and the Corperalls vpon the severall dayes of bringing Armes are desired to take ther time to goe out now and then to see to prevent disorderes of this kinde, and to returne the name or names of such as shall at any time be found to transgress this Order to the Court, who may either abate or increase the fine as they see cause.

* See N. H. Colonial Records, i, 486.

† The same, i, 453, 486.

It was propounded to the Court that some course might be taken, that wampome might more freely pass in the towne for currant paye, for that w^{ch} goes too & fro, is so bad, that men cannot paye it way but it is returned againe, and some refuse to take it at all, and the deacons informed the Court that y^e wampome that is put into the Church Treasury is generally so bad, that the Elders* to whom they pay it cannot paye it away but it is returned to them againe. It was also propounded, that Comodities raysed in the towne might not be sent out of the towne to the prejudice of y^e planters, and also when comodities are [14] brought into the towne from other places, then they are bought vp by traders in y^e towne, and either caried away or else sould to the planters at exceeding high prises, because ther necessitie compells them to haue them: much debate was spent aboute it, and in the issue it was refferred to a Committee, to consider of the severall things, and prepare it against another Court: the Committee chosen are the particular Court,† M^r Robert Newman, M^r Gilbert, M^r Wake-man, M^r Atwatter, William Andrewes, Jn^o Nash, Jn^o Harriman, William Pecke & Lewtennant Seely: /

The Gouverner informed the Court, that the fences lye downe so much about the corne feilds, that some men are discouraged for planting, or sowing, and therfore some speedy course must be taken, either for chusing veiwers out of each quarter to looke to them, and complaine of defects: or els some one man must be appointed to looke to y^e fence aboute the towne, and pownd cattell and swine that offend, as it was last yeere, for the Order made for the keeping vp of swine is not attended. The Court desired Jn^o Cooper to take the trust vpon him another yeere, to bee common veiwer of fences, and pownder for the Towne, to w^{ch} (if it might be for the good of the Towne) he said he inclined, and was desired to propound what recompence he would expect. he being slow to speake it was propounded, (and to y^e motion he inclined) that for preventing offence, he might haue what might be thought just out of the Treasury, and that then all the fines whether about fences, swine or other cattell, might

* The two ordained ministers (Mr. Davenport and Mr. Hooke) and the Ruling Elder (Robert Newman).

† The magistrates in charge of the Town Government (being the Governor and four elected deputies, as below, May 6, 1650, p. 21).

come into the Treasury, and it is likely it would ouer paye his wages. After much debate and time spent it was Ordered that Jn^o Cooper be publike veiwer or pounder for the towne, to take his fittest seasons to veiwe as he thinkes may best answer the end, to see that all fences be substantiall and strong, against swine and other cattell, according to the Order made in that case in October last w^{ch} takes place at May day next, but in the meane time that all fences be kept standing, so as to keepe greater cattell out of y^e corne feilds; that wher he finds any fence defective, he acquainte the owners once wth it, and if it be not forth wth mended sufficiently, that [he] is to sett aboute it & continew wthout intermission till it be done, w^{thin} 24 howers then to require the fine according to y^e Order in that case, if it be not pd then to returne the names of such persons to the Secretarie, and if the partie so complained of bring not the fine vnto y^e Secretarie by the last day at night before the next Court after the fault is committed, then the Secretarie is to order the Marshall to warne such persons to y^e next Court, also all cattell and swine offending in breaking the Court order are to be pounded, and the fine to be required of the owner, if not presently payde to returne ther names to y^e Secretarie who is to deale in this as in the case of fences before expressed: and wheras Jn^o Cooper is not prepared to make demand of a just satisfaction for his care and paines [15] therein, the Court Ordered, he consenting thervnto, that he should take vpon him this worke now presently and goe on in it till the next Generall Court, for w^{ch} he should bee justly satisfied out of the Treasury, and he in y^e meane times will the better see his worke, and know what to demande of the Towne, and the Towne might also consider whether ther be any better way to prevent damage then this is, And to performe this Trust aboute veiwing of fences, pounding of cattell & swine that breake order, complaine of offending and returne ther names as before exprest, Jn^o Cooper tooke oath to doe it faithfully according to the best of his Ability: /

It was propounded that swine might haue libbertie to goe abroad and the Order allowing that after the first of May next was read, but diueres others spake against it, saying if that was so, they would plant no corne, for it would be eaten vp; after much debate aboute it, it was Ordered, that swine be carefully kept vp

till y^e first of May next, and in the meane time the Committee formerly mentioned are to meete and the Court desired them to consider of it, and prepare it against another Court, but the Court thought it fitt, that if hereafter swine should goe abroade in the streetes, that no man drive them into the woods vnless it be 8 or 10 miles, and then to goe vnder keepers: /

Robert Basset acquainted the Court that he intends to lay downe his place as drumer. and the Court may consider how to provide a supply: the Treasurer was desired to call vpon the millitary officeres to see that the drumes belonging to the Towne be delivered vp in good case, before he paye Robert Basset the wages due to him: and also that they would consider, who may be fitt to doe the worke hereafter.

The Court freed old Goodman Bunill from paying his poll money to y^e towne, because of his poverty, age and weaknes.

John Cooper propounded for two or three small spots of meddowe in y^e Mill river meddowe: but nothing was done in it at p^rsent: /

Those that are behinde of paying ther rates were desired to bring them in to y^e Treasurer, else y^e Marshall must be sent to distreyne for it: also they that are behinde in paying ther pease to M^r Evanc, for providing of y^e powder and lead for the towne, were desired to cary them in, els they must pay the double as it is Ordered.

The collectors for y^e Colledg corne* desired that the towne would bring in y^e corne to them.

The Gouverne^r informed the Court that Elisha Weeden, a diseased man and one that is like to be a charge to y^e Towne, was sent to goe for England, but by reason of y^e Phenix being lost is returned: and now must be provided for in the Towne and not suffered to perish: and therfore if any would take him into ther house, and keepe him to doe what he can, though they had some what allowed from the Towne towards his maintaynance, it would doe well; but none offered to doe it, so it rested.

[16] It was refferred to the Committee now chosen to consider some way to prevent strangers being received into the Towne,

* For the aid of poor students in Harvard College. See New Haven Colonial Records, i, 149, etc.

w^hout license, wherby this and other charges is like to fall vpon y^e towne: /

The Committee were also desired to consider aboute Thom Lamsons child, w^{ch} is at Richard Mansfeilds, and hath bine a yeere or somewhat more; that because charges lye heavy vpon Thomas Lamson by reason of his wife, whether the Towne would not pay for keeping of y^e child y^e yeare past, and then leave it to Thomas Lamson to provide for it for y^e future: / *

William Andrewes propounded that he might haue that parte of M^{ris} Eldreds meddow & second deuission of vpland, w^{ch} Isacke Whithead was to haue but now refuseth: the Court inclined to it, but left to y^e Committee before named to make a conclusion therin, concerning y^e rates & charges to be p^d to y^e towne for it: /

AT A GENERALL COURT HELD AT NEWHAUEN MAY 6TH 1650

It is Ordered that y^e watch in ther walking y^e rounds should looke to y^e great gunns, that no suspitious person be aboute them to doe mischeife: and that the two gunns w^{ch} belonge to y^e towne should be fitted vp for service: /

S^r Andrewes was desired to keepe Elisha Weeden a while longer till another Court: and the Towne will allow him what is just, onely he was desired to improve him as well as he can that it may be as littell charge to y^e Towne as may be, and at the Courts desire he was willing: /

M^r Crane and Francis Newman were chosen deputies for the generall Court for y^e Jurisdiction for y^e yeere ensuing: /

M^r Gibbard, M^r Crane, Richard Miles and Francis Newman were chosen deputies for Newhauen Court for y^e yeere ensuing: /

M^r Gibbard was chosen Treasurer for Newhauen for y^e yeere ensuing. Francis Newman was chosen Secretarie { for y^e yeere
Thomas Kimberly was chosen Marshall { ensuing.

The Court was informed that the contributions for y^e Church Treasury are by degrees so much abated that they afford not any

* Jonathan Lamson, baptized 1645, was the son of Thomas by his first wife, who died in 1649. For his second wife, the widow of Paul Williamson, whom he married in February, 1650, see above, p. 15.

considerable maintaynance to y^e teaching officers and y^t much of the wampom brought in is such and so faulty that y^e officers can hardly, or not at all pass it away in any of ther occasions: the Court thought the matter weighty, and worthy of speedy and ceriouss consideration. if men from a corrupt frame or respect wthdrawe from so bounden a duty, it will be necessary to order and setle some other course, according to y^e law made by the Jurisdiction Generall Court: they therfore chose as a committee the Magistrats of this Plantation, the deputies for the particular Court, the ruling Elder and the two deacons, to consider and order how and by what meanes, comfortable and sufficient maintaynanc may be raysed and duely p^d, to vphold y^e ordinances and encourage the officeres: /

The Court considering what trouble and exercise they haue at present, by Elisha Weedens being received and suffered so long to sojourne and continew in y^e plantation, and that much charge and other inconvenienc may growe, by harbouring & for any long time intertaining some kinde of persons, who by sea or land may come and thinke to settell here, Ordered that no person [17] henceforward receive and intertaine any stranger or person resorting heither, either from forreyne parts, or from other Jurisdictions or other plantations wthin this Jurisdiction, wth intent to reside here, or shall allow house, house lot, or any part of a house lot, or habitation, aboue y^e space of three weekes, wthout warrant or allowanc from the particular Court, or at least vnder y^e hands of two Magistrats of this plantation vnder y^e penalty of y^e Gen: Courts order: provided that this order is neither intended nor reacheth to travellers, or such as resort heither in a way of merchandise or trade, or to y^e Intertainmt of friends who in a way of loue come to vissit, or to servants received & intertained vpon family respects, wherin as every man considers his owne conveniency, so he will bee carefull whome he receiveth, that he bringeth no burden vpon himselfe or y^e plantation: /

The Gouverne^r informed the Court that y^e committee they appointed last Court to consider aboute wampom & some other things haue mett once and debated some things, and appointed to meete againe, but not aboute halfe came, who lost ther time, and nothing could be done in y^e absence of y^e rest: but they thinke wampome should be left to mens libbertie to take or refuse as

they see cause & that what doth pass should be in some measure suitably strunge, and so was y^e Order before, had men rightly vnderstood it: to w^{ch} the Court agreed, and Ordered it should so pass: /

The particular Court, M^r Wakeman and M^r Atwatter were chosen Audito^{rs} for y^e Treasurers Accounts: /

Leiwtennant Seely propounded for a small peece of ground nere his house to make him a yard of: the Court left it to M^r Goodyere, M^r Evanc, Jn^o Moss and Phillip Leeke, to veiwe it and if they see it will stand wth the Townes conveniency to grant it: /

Edward Camp on behalfe of himselfe, Ralph Loynes,* Nathaniele Seely, Edward Parker and John Moss propounded for each of them 20 ac^s of ground to plant on, at a place called Chesnutt hill, aboute 4 miles from the towne, on y^e left hand of M^r Goodyeres farme:† and that they might haue libbertie to cut some vpland grass ther aboute: The Court considered y^e motion and being desierous to further planting what they may, did grant it to them vpon codition that they fence it in wthin a yeere, and improve it for corne as fast as they can and paye rates for it as other men doe: /

Nehemiah Smith hauing had 20 ac^s of land granted him by this Court, to be laid out for him on Sheppards hill, but by an Errour it is laid out in another place, w^{ch} the Court witnessed against, but seing it is laide out, and some cost bestowed vpon it, the Court did now order, for his incuragmt that he should haue that 20 ac^s that is laide out for him: /‡

M^r Atwater propounded on behalfe of M^r Wakeman that hee might haue some parte of his second deuiision of vpland neere that w^{ch} is laid out for Nehemiah Smith, but it was refferred to further consideration: /

Isacke Whithead desired and y^e Court confirmed to him y^e third part of M^{ris} Eldreds Meddow & second deuiision of vpland, he paying rates for it as others doe: /

After a long debate and much time spent to consider whether it were best for y^e towne that swine should goe abroade or be kept vp, as it was Ordered 30th October last; it was now [18]

* Lines.

† West of West Rock, in Woodbridge.

‡ See N. H. Colonial Records, v. i, pp. 148, 266-67, 460-61.

again^e Ordered, that swine shoul^d be kept vp according to that Order till all Indian Corne be in, or that y^e Court sees cause to alter it: /

It was voted that William Andrewes, Richard Beckly and John Cooper should haue that meddowe on y^e east side formerly veiued for them, leaving libbertie to speake wth Willm Bradley aboute that w^{ch} lyes on this side y^e river wthin the Gouverners fence, that it may not be prejudiciall to his farme: and that the meddow be measured wth that allowanc as other meddowe of that nature is, and that then they paye rates for it as other men doe: /

It is Ordered that if any Indians Kill any wolves, and bring the heads to y^e Treasurer, he shall give them 5^s for each head wthout inquiring wher they killed them:

M^r Crane for himselfe and other farmers ther propounded for some meddowe, lying by y^e sea by a necke of land neere his farme, but it was refferred to further consideratiō, and y^e Court Ordered that a survey be made of y^t meddow and of y^e fresh meddowe w^{ch} lyes on y^e Indian side, or of any other meddow w^{ch} is in y^e townes hand, that y^e Court may know how to dispose of it:

John Cooper desired the Court to take some course wth Jeremiah Dixons* lott for y^e fence lyes downe and none will take care of it. The Court Ordered that M^r Wakeman and M^r Chever, Jn^o Harriman and Edwa: Watson (who as they are informed) are intrusted for Jeremiah Dixon, should be warned to y^e Court to morrow, to show cause why they take not care of it.

Robert Johnson and Richard Hull because ther meddowe lyes vnfenced in y^e necke w^{ch} is a benifit to y^e pasture haue libbertie to put in, for every three Acers of Meddowe they have ther, one ox: /

Thomas Mitchell informed the Court that ther is a peece of fence at y^e plaines w^{ch} no body will owne; it lyes in a wett place, Robert pigge fencing on both sides: he was told that at y^e charge of them that owe† y^e land ther, it must bee measured, and y^e number of rodds of fence cast according to the Acers of ground wthin, and every man beare an equall share: /

* He returned to England in 1643 or 1644, without having improved the house-lot assigned him on the East side of York Street, at Wall.

† Own.

AT A COURT HELD AT NEWHAVEN MAY 7TH 1650

Robert Basset hath sould and now passeth ouer to Robert Seely the house and lot he bought of M^r Robert Newman w^{ch} was M^{rs} Wilkes his:/*

John Livermore hath sould and now passeth ouer to Theophilus Higginson, his house and house lot, $\frac{1}{2}$ ac^r 10 perches; 8 ac^{rs} $\frac{1}{4}$, 15 rod, on this side y^e west river, next y^e land of Richard Beech: and 6 ac^{rs} $\frac{1}{2}$ 25 rod, on y^e other side y^e west river, next Milford highway by the meddowe side: 28 ac^{rs} of y^e second devisions betwixt y^e land of Edwa: Banister and Richard Osborne; 5 ac^{rs} of meddowe in y^e west Meddow, next y^e meddow of Henry Gibbons: three ac^{rs} of meddow in Solatary Cove;† the worke houses wth y^e land [19] belonging to them bounded wth y^e stump of a tree next y^e sea running along by y^e Creeke to y^e end of y^e house, being in breadth so wide as y^e house is:

Jonathan Marsh hath sould to Lanc Fuller‡ his house & home Lot $\frac{1}{2}$ ac^r $\frac{1}{2}$ qr betwixt robert piggs lot & Nath Meremans & 9 ac^{rs} of land on y^e Indian side among y^e small lots not yet laid out: /

William Pecke delivered into y^e Court a note of sundrie charges laid forth vpon Robert Parsons house§ amount^g to 8^l 2^s w^{ch} y^e Court will consider of, for they see not cause to alow diueres things therin charged: /

Also M^r Atwater gave into y^e Court an Acc^{ot} of Robert Parsons Estate w^{ch} was in his hand, w^{ch} y^e Court would consider of that an Inventory might be made vp of this and what other Estate may be found of his:

The subverbes quarter was fined 20^s, for not marking ther fence according to Order: to be pd according to y^e number of Persons w^{ch} haue fence ther: and for three lengthes of rayles w^{ch} were defective, belonging to y^e quarter, they were fined 3^s: to

* Joan, wife of William Wilkes, was a passenger in the great ship which sailed for England early in 1646, and was never again heard of; her house lot was on the northwest corner of State and George streets.

† Morris Cove.

‡ Lancelot Fuller's wife was Hannah Marsh, sister of Jonathan, formerly of New Haven and now of Milford.

§ Peck occupied the house of Parsons who died about 1647; see N. H. Colonial Records, i, 438.

be pd by the persons according to y^e number of a^{crs} of land wthin y^e fence, onely Henry Lindale, Jn^o Moss, & William Tompson are excepted from paying any parte of this 3^s, if ther fence appeares vpon tryall to be rightly laid forth: /

John Thomas for one length of rayles defective was fined 12^d: /

M^r Newmans qrt and Goodm Judsons qrts was fined, for ther quarter gate lying downe 14 dayes at least, 2^s: and for the gate being left open twice at other times 2^s more: /

Mathew Camfeild was complained of for Absenc at a generall Court: he said he had lost a beast, and fearing least it should be swamped, went to seeke it: the Court blamed him for not asking leave but passed it wthout a fine: /

William Andrewes, Jun^r., was complained of for not bringing in to the Secretarie a Cirtificate of his Marriage according to Order;* his father appearing for him owned y^e thing, and y^e Court Ordered that he doe it: and paye according to y^e Order 10^s.

Adams Nicoles for 5 lengthes of fence downe at one time and three at another time was fined 8^s, and for three lengthes of fence downe at y^e plaines, so continewing after warning till a second veiwe had passed was fined 3^s a time w^{ch} is 6^s.

He was complained of for absenc at a generall Court; he said his wife was sicke so as that he could not leave her: past by.

M^r Gilbert for two lengthes of rayles being downe, fined 2^s, and for one downe belonging to Nath Tench† his ground, fined 12^d.

John Cooper complained of a peece of fence w^{ch} is betwixt M^r Malbon, M^r Gilbert, Thomas Kimberly and Jn^o Benham w^{ch} lay downe a great part of last summer, though he warned them at least 4 times of it: and now since May day two lengthes of it haue bine downe againe: The Court Ordered that for y^e lying downe so long y^e last summer they paye 8^s beside 6^d a time to Jn^o Cooper for warning them: and that they paye 2^s for y^e two lengthes downe now since y^e 1th of May.

* He married Mary Chandler on Jan. 31, 1649/50; for the law, see in N. H. Colonial Records, ii, 607.

† Matthew Gilbert was in charge of the estate of the late Edward Tench, whose only son Nathaniel was now about 10 years old.

John Walker for one lengthes of fence being defective was fined 12^d:

[20] Thomas Meekes for two lengthes of fence beeing downe was fined 2^s: and ordered to pay 5^s for poundage of 5 horses w^{ch} did or might come in at this fence.

John Benham for 7 lengthes of fenc being downe or defective was fined 7^s.

Henry Gibbines for a peece of fence being downe of aboute 6 or 7 rod was fined 8^s, conceiving it is 8 lengthes at least.

Mathias Hitchcocke for 1 length of fence defective fined 12^d.

William Basset for 2 lengthes defective fined 2^s.

Edward Pattyson, M^r Rotherford, M^{ris} Allerton, each one length defective was fined 12^d a peece.

M^r Goodyere for 3 lengthes of fence being downe fined 3^s.

Mathias Hitchcocke desired the Court to remitt his fine of 5^s w^{ch} he was lately fined aboute y^e watch: w^{ch} y^e Court granted not: but told him it should be forborne till they might haue more full Information, from y^e Serjant that complained of him: /

Jn^o Meggs for 5 lengthes of fence being downe was fined 5^s.

M^r Hooke and Thomas Osborne haue some fence defective but Jn^o Cooper cannot tell how much: wherfore he is wished to informe himselfe, and give it in to y^e Secretarie that it may paye as y^e rest doe: /

Thomas Barnes for two lengthes of fence downe fined 2^s and for poundage of 5 horses w^{ch} came in ther to paye 5^s.

William Pecke, William Davis, John Gibbs, Henry Glouer, each two lengthes of fence defective was fined 2^s a peece:

Thomas Welch and Thomas Buckingham haue some fence defective, but Jn^o Cooper cannot tell how much; he is desired to inform himselfe and give it in to y^e Secretarie, and they are to paye 12^d a lengthe as others doe.

Francis Browne for two lengthes of fence defective fined 2^s.

William Holt for one length defective is fined 12^d.

Jervic Boykine tooke oath that the apprisment he made of Robert Prestons goods or estate was justly done, according to y^e best of his light.

M^r Tuttill for 3 lengthes of fence defective fined 3^s.

Jn^o Vincon for one length defective fined 12^d.

James till for 5 lengthes of fence defective was fined 5^s: but what damage hath growne to particular men by his fence being downe or defective is refferred to another time; onely ther was cattell pounded by Jn^o Cooper 16 at one time. and 16 at another time: and 22 at two times more by William Judson: w^{ch} is to be borne by James Till, Jeremiah Dixons fence and y^e quarter gate, vnless they can tell any other fenc was downe to help them beare it: /

[21] Further Jn^o Cooper said he brought 16 cattell out of his corne in y^e quarter as they goe to mill, w^{ch} came in by reason of some fence was burned w^{ch} was speedily made vp: yet the Court Ordered that y^e poundag should be pd him by them who owed y^e fence: /

John Cooper informed y^e Court that y^e fence belonging to Jeremiah Dixons lott, lyes downe, and the quarter sufferes much by it: for hee knowes of none that is appointed to looke after it: the Court hearing that M^r Wakeman, M^r Cheever and others had some order frome Jeremiah to dispose of it, sent for them, and M^r Cheever came: & said he had order from Jeremiah to sell it: but they had no order to lay out any thing vpon it, nor hath Jeremiah any estate here to doe it: and that he had written him word that he thought it would yeild him nothing: and Jn^o Harriman said that Jeremiah writt to him aboute it, and that he writt him word that he thought none would take the lott to paye the rates and maintayne the fence: they were wished to consider wth any that were intrusted in it, and informe the Magistrats this evening: if not, then the Court must take some course to dispose of it, that y^e qrts be not damnified therby: /

Jeremiah How declared that y^e last summer, he sould John Cooper of Southampt ten gallons of strong watter, but John Cooper refuseth to paye him: Jn^o Cooper said he bought no stronge watter of Jeremiah How: Jeremiah How was bid to prove it: he said that he had y^e strong watter he can prove he thinkes Jn^o Cooper will not deny it: but if he doth Serjant Jeffery can speake something to it: but Serjant Jeffery being sick the Court sent M^r Ling and William Pecke to heare and bring the Court what he said, and they returned this Answer: that John Cooper confessed he had a caske of strong watter of Jeremiah How to y^e vallew of 5^l for w^{ch} he was to buy him an ass; but he can give nothing in as

a testimoney in y^e case: Jn^o Cooper was told it is cleere he had strong watter of hime to y^e vallew of 5^l: therfore must show reason why he gives not satisfaction for it: John Cooper said being here at New hauen last summer Jeremiah How spake to him to buy him an ass: and he would paye him in strong watter: and desired him to take 10 gallons wth him, and buy an ass wth it, or sell it and pay for y^e ass wth y^e money: so he tooke the strong watter wth him: 10 gallons at 10^s per gallon; and sould it and bought him an ass; and it is dead; he paide 4^l 15^s for the ass; and he hath 5^s in his hand w^{ch} he must be acc^{ot}able for: but he was to beare no adventure of y^e strong watter or y^e ass:

Jeremiah How said that y^e Agreement was to paye him 5^l in wampome for y^e stronge watter, or to deliver him an ass at his adventure: but Jn^o Cooper denied it: and said he did what he could to send the ass after he had bought it, but could not as appeared by a testimony of Thomas Stantons vpon oath, that Jn^o Cooper would haue had him brought y^e ass to Milford for Jeremiah How, but he refused. Jeremiah was asked if he can prove, that Jn^o Cooper was to beare y^e adventure: he said his wife could say something: who being called said that Jn^o Cooper had a caske of strong watter, and was to give him 5^l in wampome, or buy him an ass for it, but she could testifie no further.

[22] Jeremiah How said M^r Evanc could say some thing that Jn^o Cooper had confessed to him: M^r Evanc said that John Cooper confessed he was to buy Jeremiah How an ass and send him by his brother if he was not come away before: if he was, then to send him by the first opportunity.

Plant. and defendant hauing said what they would the Court proceeded to sentence, w^{ch} is that for want of prooffe Jeremiah How is cast in his action: and must beare his owne charges, and paye John Cooper 20^s damage, for his Journey, from Connecticut* and backe againe, beside 22^d to y^e Marshall for warrant and attendanc: and 2^s to Edward Camp for attending here as a witnes on behalfe of Jno Cooper.

After the sentenc was passed M^r Peirson of Totoket† informed y^e Court that ther is a differenc betwixt John Cooper and him,

* Southampton on Long Island was in the jurisdiction of the Colony of Connecticut.

† Branford. Rev. Abraham Pierson had removed thither from Southampton in 1646-7.

aboute some wampom w^{ch} Jn^o Cooper was to paye him for two steeres he sould him. After much debate spent aboute it, the gouerner wished Jn^o Cooper to consider, whether he would haue it tryed by an action in Court or end it in a privat way: Jn^o Cooper said if M^r Peirson did enter an Action against him it may be it would come to pass as Jeremiah Howes hath done, that M^r Peirson will be cast in his cause, and he shall haue some small damage given him, not halfe satisfaction for his time, or halfe that y^e case deserveth, or wordes to that purpose: at w^{ch} the Court were much offended, his words importing that y^e Court had not dealt justly wth him in y^e late sentenc. John Cooper quickly confessed his Miscariage, and said he was sorey for what he had said, but was told it is his manner to contemne Authority; he did it as they heare lately at Southampton, & now treads in y^e same stepes here, but it will not be borne, wherfore the Court committed him to prison for that night, that he might consider of his miscariage and in y^e morning give a better answer. Next morning John Cooper was called, and said he is sorey he hath given the Court such offence, for they had dealt justly & louingly wth him in this action, and gaue him what damage he did desire, but he did so hide or extenuate his fault y^t the Court thought it not meete presently to release him, but left it wth y^e Gouverner, vpon Jn^o Coopers further submission to order his inlargment, as he saw cause: and for M^r Peirson he declared to y^e Court that Jn^o Cooper and hee were agreed, and should trouble y^e Court at present no further: /—————

Vpon a complaint brought by Nathaniel Seely to y^e Gouverner, June 10th 1650: Marke Meggs by a warrant was sent for and app^d. Nathaniell Seely from his wife charged him, that June 7th, when y^e said Nathaniell Seely was out of towne, he y^e said Marke came twice to his house, pretending buisnes aboute Sparrow bills ec., y^t he sat downe and tooke tobaco, but then fell into adulterous and filthy discourse, and cariage; he asked Nathaniell Seely his wife whether she laye alone in y^e house, (her husband being then out of towne) she told him she lay at a neighbours, then he asked her how long she had bine married, she answered 8 [23] monethes, he asked her whether she had yet a boy, she said she had not, he told her he doubted she was some such barren thing as his wife, then she standing by the dresser, aboute her occasions wth her face from him, he came

behinde her, and wth his armes clasped her aboute y^e midle, put his hands vnder her aporne, (if not worse) but told her he would feele whether ther were a boy ther or not. She struggled to gitt from him, and told him it were best for him to let her alone, but he held her by strength, turned her aboute till her face was towards him, told her that ther were no boy, asked her 2 or 3 times (at least) whether he should gitt on, she sd no, at last he lett her goe, & went away: Marke Meggs being questioned aboute this cariage, acknowledged that he drunke Tobacco, and was twice in that house that day: he confessed some foolish speeches, and cariage, that he asked her how long she had bine married, whether she had yet a boy, and told her he doubted she would prove some such barren thing as his wife; he confest he clapt her on y^e shoulder as he went forth, but denyed all y^e rest: herevpon the Gouverner minded him of his like former filthynes & miscarriage wth William Fancy his wife* and how stiffly he denyed it, though the Evidenc was sufficient for his punishment, the remembranc wherof might haue kept him both from this adulterous cariage, and from denying it after: he told him he must either put in bayle, or goe to prison: that night Robert Basset bayled him, but Marke Meggs his wife being sicke, and wanting his help, the Magistrats and deputies were y^e next day called together.

AT A COURT HELD JUNE 11TH 1650

Marke Meggs appearing, and Nathaniell and his wife being present, she was told what Marke Meggs had confessed, but that he had denyed y^e passages, wherin y^e greatest parte of his guilt and outrage laye; she was wished to open y^e case fully but wth a due respect to truth, whervpon she charged him wth all the particulares formerly mentioned by her husband, and told him his conscience knew they were every on true. Marke Meggs herevpon confessed them all, onely he pretended hee had no ill intent in asking her whether she lay alone, at home in her husbands absenc, but his other cariag being considered, he gaue no satisfaction therin; he also said he remembered not that he spake to her any more then once to gett a boy of her. The Court hauing heard y^e charge & confession, sent for y^e Court booke, and read

* See N. H. Colonial Records, i, 237.

his former filthy and bass cariage towards William Fancy his wife in y^e yeere 1646 and y^e punishment then Ordered for y^e same; he was told that his filthynes and boldnes are many wayes agravated, as he is a married man, he goes on sinning against y^e remedy, as he hath formerly bine punished for y^e like miscariage in this place, and hath now wthin these 14 dayes seene one executed for Adultery, and another vnder y^e sentence of death for vnnaturall filthynes, his sin hath a great mixture of presumption & Atheisme, it tends also to tempt & corrupt another mans wife, beside y^e strength & force hee used, w^{ch} had he proceeded might haue tended to a rape and that he might justly except both to suffer bodily punishmt and to pay a considerable fine, but y^e Court considering his estate & hauing respect to his family ordered y^t he stand on y^e pillary tomorrow an hower before Lecture, wth a wrighting ouer his head, shewing y^e Cause: and that after lecture he be severly whipt, but they wished him to take heed least his vnruely lust brought him to an vntimely death: /

[24] AT A GENERALL COURT HELD AT NEWHAVEN JUNE 17TH 1650

George Laremore was admitted a member of this Court and tooke the Free-mans Charge: /

The Orderes made the last Generall Court, for the Jurisdiction were read: and y^e planters advised to take care that ther be a due observing of them: /

The Gouverner informed the Court that M^r Crane had given him notice of a surgion or phisitian,* that was lately passed through y^e towne towards the duch, that he heard had lived some considerable time in Plymouth Pattent, and hath bine of good use ther as app^s by sundrie testimoneyes he had to show, vnder the hands of diueres of that Jurisdiction: and seing M^r Pell is now goeing away, whether it may not be good for this towne to vse some meanes that he might be staide here, and that himselfe had written to Capt Astwood that if he was yet at Milford hee might be desired to staye, that wee might further consider aboute it: and accordingly the thing is done, and the man is come backe: now therfore the Court may consider what they will doe: the

* In margin, M^r Besthup.

Court liked well of what was done & by vote declared that they desire he should stay here: and desired and appointed y^e Magistrates and deputies to treat wth him, and take such order for his staying here as they thinke may be for y^e good of y^e Towne: /

The Court was informed that it is to be feared that some men take libbertie to lett ther swine goe abroade in y^e night and vpon the Saboth day, when they thinke none can or will pownd them, w^{ch} the Court looked vpon as very great miscariage, if it should be so, and to prevent it Ordered that if any mans hoggs be found abroade in y^e night, or vpon the Saboth day, and y^e owner cannot cleerly prove that they gott out accidentally against his will, the particular Court shall lay a fine answerable to such an offence as they shall judg meete: /

It is Ordered that for fines or rates that are not paide the Marshall is once to demande them; and if they be not then p^d w^{thin} one weeke after, seizure to be made w^{thout} any more demanding.

The Treasurer informed the Court that ther is need that another rate be paide to answer the townes occasions; he was told that if the debts owing to y^e towne were paide, it is conceived ther would be inoughe, for y^e present: and therfore Ordered that they should be gathered in, and if that is not inough, then he may show the particular Court, how the Account stands, and if they see cause this Court gives them power, to grant either a whole or halfe a rate, as they shall see cause: /

John Harriman propounded to y^e Court that in regarde of his keeping the ordinary* some-time occasions so fall out, that he can not attend y^e publique traynings, but strangers will be neglected or hindered in ther occasions, and therfore desires he might be spared. The Court considering that it is a publique employment, and requires his presenc when many strangers are there, Ordered y^t when by reason of present providing for strangers he cannot attend the publique Traynings, he shall be freed from his fine, provided that when those occasions call not, he doe attend them: /
[25] M^r Ling was chosen Clarke of the Trayne band:

Allen Ball so long as he doth attend M^r Dauenports buisnes, and M^r Dauenport hauing no other man ownes him therin, is to bee freed from trayning & watching: /

* On Chapel street, midway between College and Temple.

It was propounded to the Court whether 4 watch men might not be enough to watch in a night: two of them the former part of y^e night and two the latter parte of y^e night, the first two goeing to bed aboute midnight, after they haue called the other two vp and see them vpon the watch: allso that the squadron traynings may be laid downe, and for perfecting men in y^e vse of ther Armes, whether such a course as this might not be good, that they that approve themselues good souldiours in handling ther armes, might haue po^r given them out of the fines granted the Company, to shoote at a marke, or otherwise in y^e Company, and others to shott at ther owne charge, till they shall so approve themselues, likewise that they may haue some libbertie in y^e former parte of y^e day, but y^e other to trayne all day: also whether any dispensation may be given to any man to be absent from trayning by the Company, but rather that every that hath occasions and will keepe away or wthdrawe, may doe it at his owne perill as he will answer it to y^e Court, that so no Magistrate nor the Company be troubled wth such questions: /

The Court considered of the severall things propounded and Ordered that the watch be reduced to 4 in a night: and for the ordering, how it should be caried one, left it to y^e particular Court advising wth y^e military officers therin: and then to be of force as if the Court had done it: and that squadron traynings be laid downe: and those that approve themselues good soldiours in handling ther armes and keepeing good order to haue po^r allowed out of y^e fines to shoote and to be spared some part of y^e trayning-day, if y^e Court advising wth y^e millitary officers thinke it fitt, but others w^{ch} are dull and slugish to trayne all day: And that no Magistrate or y^e Company dispence wth any mans absenc: but the case to be presented to y^e Court and they to judge of it, either fineing or acquitting as they see cause: /

M^r Goodyeere, M^r Crane, Richard Miles, Lewtenant Seely, William Fowler and Richard Beckley, were desired and appointed to joyne wth some of Milford, w^{ch} shall be appointed to runn y^e line and sett the bounds betwixt Newhaven and Milford: this to be done wth the first conveniency may be: and in y^e meane time to speake wth the Indians, and get as full Information as they can where y^e bounds part.

Mathew Row propounded for a littell Island of meddow conteyning, as he thinkes, aboute 5 or 6 ac^rs, lying in y^e East

River against y^e Meddow w^{ch} was M^r Roes, w^{ch} y^e Court granted to him, hee paying rates for it as other men doe.

William Paine propounded both for himselfe and some others of his neighbours, that the Towne would grant them some meddowe w^{ch} is in y^e Townes hand, vpon y^e heither end of y^e great Island in y^e east river: he was wished that they would informe themselues how much their is in y^e Townes hand, and then they will consider how to dispose of it: /

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AN ORDER FOR THE WATCH

The Court advising wth Leivtennant Seely, and considering the present state of things, doe hope that 4 watch men, well sorted and each night dilligently attending there charge, and directions to be given by the Serjants, through Gods blessing may be among the meanes of our safety, and accordingly doe Order, first [26] that a true and full list of all males, (who by the gen^{ll} Courts order are to attend this service in their Courses) be duely taken, and from time to time kept by y^e Clarke of the band, and a copie of it by him delivered to the Leivtennant and Serjants, that they may be cast into seu^rall watches, 4 for every night, and so sorted that young and looser persons be as much seperated as may be: and that in each watch, wth each young and less satisfying person, another more antient and trusty be joyned: that two of these fower each night repaire and come wth their Armes compleat, wth shot and po^r at least fower charges of each, half an hower after sunn sett, to y^e Serjants house of whose Squadron they are, w^{ch} Serjant is to veiw both ther armes, po^r and shott, and give them their charge, and if any come not, at or wthin y^e time appointed, or not duely furnished wth armes, po^r and shott, the Serjant shall acquaint the clarke of y^e band of each such default, or defect, and he shall p^rsent it to y^e next Court. And the two men who watch the first part of the night shall from time to time continew till midnight, and shall then call vp the other two (who are to watch the latter part of y^e night) out of their bedds, and see come forth and be vpon the watch, and shall then give them the same charge they received from y^e Serjant, and see their armes, po^r and shott, that they be compleat and if ther be any fault or defect to acquainte y^e Clarke wth it; and he to p^rsent it to y^e Court: and these latter to continew their duty in y^e watch till halfe an hower before sunn rising, and then before

they goe home, both to warne y^e next watch, carefully leauing word if any be not at home, and to certifie the Serjant what they haue done therin, who hath the list of the names and may rectifie any mistake, and whether any of the next watch be out of Towne, and what Order is taken for supply, that further inquirie may be made, or consideration taken as the case may require, that the service may be duely caried on; and to make it as equall to those imployed in it as may be, it is Ordered that y^e watchmen shall chang ther turnes, those that watched the former part of y^e night y^e last time, shall watch y^e latter part the next time, and if any of the watch bee at any time out of Towne, and haue not taken Order for one to watch in his roome, some other man if it may be liable to watch, but not listed for y^e service, shall vpon due warning make supply, being pd by him who is so absent. Lastly, if y^e watchmen in walking y^e rounds, or otherwise, observe; or be duely informed of any danger, either by enemies or by fire, w^{ch} themselues cannot seasonably quench, they shall rayse the Towne, in y^e former case by crying Arme, Arme, in y^e latter case by crying fire, fire, and by discharging one of their gunns, y^e other standing vpon ther defenc till y^e other hath charged againe. [27] And it is further Ordered that the serjant in whose squadron the watch now begines, shall when it comes to his last watch give them order to goe to y^e serjant w^{ch} is next to succeed him to receive Order who to warne to watch the next night, and to certify what they haue done as before.

And no man is allowed to hire another to watch in his roome, but such a one as the serjant shall approve of, and for that end they shall acquaint y^e serjant wth it before hand, that he may either approve of ther man, or they watch themselues, or hire another w^{ch} shall be approved of, that when the watch comes to be sett the buisnes may not be troubled wth such questions: /

It is thought most convenient and so agreed that the first two watchmen vpon their first goinge forth should warne y^e watch for y^e next night: /

JUNE YE 25TH 1650

A Seaman that went in Michaell Taynters vessell was brought before the gouerner, and accused by Wash an Indian that he

hauling hired him to show him y^e way to Totoket, and agreed for 12^d, wⁿ he was vpon y^e way Wash asked him for his money: the man gaue him 10^d lack two wampom: Wash said he must haue 12^d, else he would not goe, whervpon the seaman tooke him by y^e arme, pulled him & threw him downe, and stamped vpon him & in striving broke his arme: y^e sea-man said he agreed wth him for 10^d, and gaue him so much, but Wash would not goe, and struck him first; and he cannot tell that hee broke his arme, for it was sore before; whervpon M^r Besthup & M^r Augur two surgons being desired to give ther advice said to ther best App^rhensions the arme was broke now, though by reason of an old sore wherby y^e bone might be infected might cause it y^e more easily to breake. The Court was called but none came to y^e Gouverner but M^r Crane, M^r Gibbard & Francis Newman: they would haue perswaded Wash to haue taken some wampome for satisfaction, but he would not heare of it, but said he desired he might be healed, at y^e mans charge; whervpon y^e Court desired M^r Besthup to doe y^e best he could to heale it, and promised him satisfaction: and for y^e p^rsent sent y^e man to prison: but quickly after Phillip Leeke, John Jones & Edwa: Campe became his baile and bound themselues in a bond of 10^l that vpon a monethes warning left wth Phillip Leeke, the man should make his appearanc here before authority, and Daniell Sellevant and Robert Lord became suerties and ingaged themselues to beare them harmless:/

AT A COURT HELD AT NEWHAVEN JULY 2TH 1650

William Basset was complained of for neglecting his watch one night; he said the master of y^e former watch did not warne him: Mathew Camfeild said it was his turne to give him warning, and he did give Order to his boy to warne him, himselfe being to goe out of Towne to Connecticote, but the boy forgott it: yett William Basset knew that it was his night, and was minded of it by Thomas Lamson and Robert Emry,* but because he had no warning was willing to neglect his watch. Serjant Nash said William Basset came to him, and inquired if y^e watches were altered, for he thought it was aboute his night, and he had no

* Or Ambrey.

warning: he told him they were not altered but wished him to inquire aboute it, that so the service might not be neglected, but he told not Serjant Nash that Mathew Camfeild had watched the night before, or that he was gone out of Towne [28] which he knew; and it was said in Court that William basset should say (when some spake to him aboute his watch) that so long as he had no warning he was well inough: the Court considered of it and finde it a neglect in Mathew Camfeild to be so slight to send boyes to performe such a trust, and not inquire whether it be done or no, and finde it a greater neglect in William Basset, accompanied wth some willfullnes, for though he was minded of it, yet would not doe what hee might and ought to haue done, but catches at anything to make a show of excusing himselfe for neglecting y^e service. Therefore the sentence of y^e Court is, that Mathew Camfeild pay as a fine to the towne 2^s 6^d, and William Basset 5^s:/

John Moss and Samuell Whithead, Plaintiffs on behalfe y^e Children of John Clarke deceased, declared against William Tuttill, for an ox w^{ch} they lett to him, w^{ch} dyed under his hand, they conceive by being ouer wrought, and therefore desire to know who shall beare y^e loss, w^{ch} they conceive to be aboute nine pownds.

Mr Tuttill said he lent the ox wth on of his owne, both to Mathew Moulthrop and Jn^o Tompson as he conceives, and whether he was ouer heat or what befell him he knowes not, but he came home in an ill case, as he was informed (himselke not being then at home), he went stiffly aboute his loines, forsooke his meat & watter: but whether that was all the cause of his death he knowes not. The plaintiffs were desired if they had any prooffe to produce it:/

Mr^{rs} Tuttill testefies vpon oath, that she being in y^e yard when the oxen came home, observed that they were verely hott & sweat, Jn^o Tompson drove them pretty hastily; she intreated him to drive them softly; y^e ox slipt verely much as he came vp y^e yard, put out his tongue and wheased, she wished her sonn to put them into y^e stall, and not lett them drinke, because she thought it would doe them harme they being verely hott; her sonn did so and came in & said he thought the oxe was spoyled, he would eat no meate: and after she seeing him come forth to watter observed him to goe cringing verely much wth his hinder feete, and

was loth to sett them on y^e ground, so that she feares they were ouer driven: /

Mathew Moulthrop said, he cannot apprehend how the oxe should be hurt by what they did wth him; they caried but 15 bushells of corne to y^e mill, and brought but 6 home, and they were driven but a moderate pace; they might haue had 4 cattell if they would, but they thought two was sufficient; it is true they brought the 15 bushells vp y^e necke hill, and did intend if they saw them ouer loaden to take some of it out & cary it vp y^e hill on ther backes, but they went vp so easely as they saw no need of it.

John Tompson would not owne that he had any hand in borrowing of y^e oxen of M^r Tuttill, but Mathew Moulthrop did it. Mathew Moulthrop said he apprehended Jn^o Tompson did it as well as he, and Henry Line testefieth vpon oath [29] that he was p^rsent when they both mett M^r Tuttill and spake to him aboute borrowing his oxen to goe to mill. Mathew Moulthrop spake first, but John Tompson spake and mentioned 6 bushell of corne that he had to cary to mill, and some meale to bring home that was ther already, and M^r Tuttill gaue leave so that he conceives he joyned wth Mathew Moulthrop in borrowing the oxen, and to his best remembrance John Tompson thanked M^r Tuttill when he went away: /

Edward Parker testefied vpon oath, that he fleaed the oxe and opened him, and tooke out his bowells; the heart was full of streakes of blood, thick from top to bottom, he apprehended it was broake, the liver and lungs were swelled, he app^rhended wth ouer straying, the flesh of the oxe was watterish, as flesh that is ouer heat, and the liver somewhat decayed, full of blacke blood, but that might be so farr decayed in the time of his being ill: /

M^r Tuttill said ther was such streakes of blacke blood, but they showed M^r Pell the same, and he said that those streakes might be by a lingering disease that hath long hanged vpon the oxe, and that his lungs were defective of old, and he told Jn^o Clarke so before he dyed and wished him to feed him: /

The Court hauing considered of the case, the Gouverne^r on behalfe of the Court declared, first that they thinke the oxe was not duely prised at 9^l: they thinke 7^l 10^s should be the price: 2^{dly} that they cannot exactly say, where y^e true cause of

the death of y^e oxe was, they thinke ther is a possibillity ther might be some defect in y^e oxe before, because of M^r Pells expression, but considring M^{ris} Tuttils and Edward Parkers Testimoney, they cannot but feare a great part of y^e death of y^e oxe was in that dayes worke, though they know not where to place it, because they looke vpon the loade as not too heavy, or that they were driven too fast, saue that the efect showes it. The sentence of the Court therfore is, that the price of the hide being deducted the remainder of the 7^l 10^s be borne equally in 3 parts, one part for Jn^o Clarkes estate, another by Jn^o Tompson, and the other third by Mathew Moulthrop:/

Twenty shillings was demanded of Jn^o Tompson that he stands ingaged fer to y^e towne, for James Till: he desired forbearanc till next Court, and he would paye it: w^{ch} was granted. Jn^o Tompson was told he must gett a better tennant for his land then James Till: for the quarter suffers much by him:/

An Inventory of the estate of Robert Preston was p^rsented in Court, amount to 12^l: 01^s: 05^d: prised by Thomas Munson and Jervice Boykin, who formerly tooke oath in Court, that they prised the things therin conteyned justly, according to y^e best of ther light, and William Pecke and Andrew Low tooke oath that the Inventory p^rsented is a true Inventory of the whole estate of Robert Preston according to their best light and knowledge:/

A will of the said Robert Prestons was p^rsented to y^e Court, wherein were found sundrie defects, so that the Court could not allow of it, whervpon William Pecke and Andrew Low [30] (two mentioned in that will by the deceased as trustees) desired Letters of Aministration, and the Court granted it to them, they putting in security to dispose of the Estate, according to y^e minde of the deceased, as appeares in y^e wrighting or will now presented; w^{ch} they undertooke and promised to doe:/

Phillip Leeke hauing had an attachment vpon the Estate of John Griffen, for 25^s due to him for a role of Tobacco, desird it might now be condemned; and to prove the debt produced his booke, wherein it stands faire and cleere, and he himselfe now tooke oath that it is fully due to him onely he received 16^d in part of it; so that the debt appeares to be 1^l: 03^s: 8^d w^{ch} he had order to receive, but vpon condition that he put in security that if the Estate hold not out to paye every man accordingly, he shall

pay part of it backe according as it falls to every man in due proportion: /

The Court considering the great charge that is likely to come vpon Robert Parsons house, thought it not best for the Estate to keepe it still in y^e townes hands, Therefore Orderd that it should be sould: and if William Pecke (who now lives in it) desire to buy it, he must propound it to the Committee who is to allow of such things, and if they give way for him to buy it, he may haue it at a moderate price:

Thomas Marshall for absence at a Generall Court: fined 12^d:

Richard Miles informed the Court, that M^r Fowler, M^r Prudden and Thomas Buckingham of Milford passeth ouer to John Nash the whole lott and accomodations w^{ch} was Nathaniell Axtells, they being deputed by the said Nathaniell so to doe:/*

The Gouverne^r informed the Court, that ther is a differenc betwixt himselfe and John Tompson, w^{ch} he desired might haue bine issued in a privat way, but he hath refused, and did now againe refuse it, and desired to haue it issued by the Court. Then the Gouverne^r declared that he formerly lett to Jn^o Tompson and Jn^o Wakefeild his farme at Stoney river.† Jn^o Wakefeild quickly grew weary, and turned it vpon his hands, and some short time henry Line kept it for him, but aboute May day last Jn^o Tompson and he came to Agreement for y^e whole farme, w^{ch} Agreement was now read in Court, and Jn^o Tompson asked what he said to it: he said he supposed y^e Gouverner vnderstood it so, but he did not. The Gouverner said that was the Agreement, and Jn^o Tompson vpon that Agreement had francis Bradly his man, and sent for a cow w^{ch} he had. Jn^o Tompson objected: first that the houses should be sett in repaire, but was told that the Agreement was that he should doe it, and the Gouverne^r should paye, w^{ch} he would doe: secondly, he said hee expected the Gouverner should supply him wth a man after Francis Bradlyes time is out, he was told that it is no part of y^e Agreement, nor could he say that it was so much as spoken of; thirdly he objects against the paying for some corne some hoggs and cattell eat, he was told that the Agreement is that he should paye for y^e corne y^e cattell eate; fourthly he objects against the breeding vp

* See N. H. Colonial Records, i, 31.

† The outlet of Lake Saltonstall, between East Haven and Branford.

of all the breed of [31] Swine. The Gouverner told him it was the express Agreement and for that reason he was drawne to allow him two bushell of corne for every hogg he delivered to him, w^{ch} before was but one bushell; fiftly he objects against paying for Henry Lines time, because he spent it partly aboute the Gouverners occasions. The Gouverner told him what time was spent aboute his occasions, w^{ch} he had the benifit of, he would allowe for, but wished Jn^o Tompson to speake if this was not the Agreement, that hath bine read to the Court: he said he did not understand things so:

Henry Line testefieth vpon oath, that aboute may day last, when Jn^o Tompson was aboute takeing the farme, he asked him one day when he came from the Towne, if he had taken the farme, he said he had taken it, and libbertie not to fence the new feild, and to breake vp what ground he would, plow & sow what he would, and improve the things how he would, and none should contradict him, that he was to haue 6 oxen and 12 cowes, that the old cow was to be fatted, and he was to haue y^t cow Jn^o Wakefeild had, and another from the towne, that he was to pay the Gouverner yearly 4 firkinges of butter & 100^t of new milke cheese and 90 bushells of corne, 40 of it in wheat, the other 50 in rye and pease & some barly but no Indian corne, he was to haue it 6 yeeres, or the remaindr of y^e 7 yeeres expressed in y^e former covenant, that the Gou^r was to haue halfe the hoggs, but he had libbertie to breed what he would or thought good, or words to that purpose, that the Gouverner was to haue the calfe w^{ch} sucked the heiffer wholly to himselfe, and he was to haue the calfe of a cow that was to calve into the breed of the stocke, that he was to pay for the corne the hoggs and calves eat, but said he saw no reason he should pay for that w^{ch} Crooke the old cow eate, that he was to haue francis the time he had to serve the Gouverner, and was to pay the Gouverner 6^l a yeere for him, the Gouverne^r finding him cloathes, that he had libberty to haue what he would of the things Jn^o Wakefeild left, but he would haue nothing but the copyoake* & one chaine; he mentioned also a bible, but said not absolutly he would have it: /

John Tompson was asked if the Agreement was not proved: he said in many of these things he differs not but in y^e things

* Cop-yoke; cop in composition usually signifies a top.

before mentioned: The Gouverner said that the wrighting p^rsented to the Court is the true agreement, and if y^e Court requires it hee is ready to take oath of it. The Court told Jn^o Tompson that they see the buisnes hath many questions in it, and if he will not chuse Arbitrato^rs, w^{ch} shall heare and end the buisnes, the Court must then chuse men w^{ch} may heare & prepare it for y^e Court, for they judg y^e Agreement cleere, and they cannot alter it, therefore he must goe on vnless by way of Arbytration he can make any other end. John Tompson then said he is free to refferre it to Henry Lindale & Francis Newman: The Gouverner freely consented: it being that w^{ch} he form^ly desired: and offered freely to leave it to them two, either to settell this Agreement, or alter any thing they should see ground for, though it was some loss to him & all for peace sake: /

[32] AT A COURT HELD AT NEWHAVEN AUGUST 6TH 1650

M^r Gilbert p^rsented a bill of Acc^{ot} to the Court concerning the estate of Nathaniell Tench: w^{ch} was read, but left to bee considered by the Court in a more private way: that so things may be prepared for a full issue: /

M^r Gilbert for two lengthes of rayles downe by y^e clay pitts fined 2^s.

Widdow Potter for one gapp in her fence was fined 12^d.

M^r Allertons fence was complained of: Jn^o Cooper & y^e M^rshall informed the Court that M^{rs} Allerton hath had warning of it three times: and yet the fence is not mended: but two places remaine still defective, as Jn^o Coop^r sayes: the Court Ordered that M^r Allerton pay tow shillings for y^e two defective places each time they haue bine warned, 6^s.

Thomas Welch* his fence was complained of as defective in 3 places and that he hath bine twice warned to mend it but hath not done it. The Court Ordered that he pay 12^d for each defective place each time he hath bine warned, w^{ch} is in all 6^s: /

Thomas Buckingham* fence was complained of as defective in one place, and that he hath also bine twice warned to mend it,

* Thomas Buckingham and Thomas Welch, his future son-in-law, of the original New Haven settlement, had removed to Milford in 1639.

but hath not done it. The Court Ordered that he paye 12^d for each time hee hath bine warned to mend it, w^{ch} is 2^s:

Ephraim Penington for absenc at y^e last call one Gen^rall Court fine 18^d.

M^r Tuttil, Jn^o Wakefeild, William Bunill was Ordered to paye 5^s a peece because y^e names of each of them a child was not brought in wthin three monethes after they were borne: /

William Potter was called before the Court and was desired to inform them, what profitt that heiffer he had of Hanah Potters his kinswomans,* hath amount to for her advantage: he said he tooke the heiffer intending it for the childs advantage. he kept the heiffer till she was 4 yeeres old, then she had a calfe, w^{ch} was fatt and lusty, and like to doe well, but in the summer it dyed, the next yeare she had no calfe, but now is in calfe againe; he desired if the Court pleased they would dispose of the cow otherwise; he was asked what she was worth, he said he thought 5^l, 10^s. He was asked what he would alow a yeare to Hanah Potters vse for the cow, he standing to y^e Adventure:† he said he would alow to her vse 20^s a yeare, and stand to the Adventure of the cow, and keepe her till his kinswoman was of age to receive her, or the Court saw cause otherwise to dispose of her, w^{ch} the Court approved of and Ordered that he should haue the cow vpon them termes, the time to begine now, and he from this time to paye 20^s a yeare into y^e Court, for Hanah Potters vse, w^{ch} the Court will see to dispose of: /

[33] AT A COURT HELD AT NEWHAVEN SEPTEMBER 3TH 1650

John Cooper desired to know whether any quarters may, not wthstanding the Order, put forth their swine into their qrts after their corne is out, for some haue so done, and yet ther fences are not sufficient to keepe them in, but they come out and goe in at ther pleasure, and so are apt to doe hurt in othe^r feilds. M^r Wakeman said it is the case of ther three quarters, who agreed after harvest to put their swine into the quarters for a moneth,

* Probably the daughter of his brother John, who died in New Haven in 1643.

† Venture.

to eat vp the scattered corne, w^{ch} they thought was lawfull and no transgression of Order. M^r Gibbard said that they conceived that the Generall Court did allow that they might doe so, for ther was such a question propounded, and the Court did not disallow of it. They were told that then they must keepe ther fenc good, that they may be kept wthin ther quarter: w^{ch} it seemes they haue not done. M^r Wakeman said that some haue fetched swine out of the quarter and required paye for them, w^{ch} he thinkes they cannot justifie: /

The Court declared that seeing they plead a libbertie from the Generall Court, and that the time is now out and ther swine by ther owne Agreement are to be kept vp: that therfore that question be propounded to y^e Generall Court: that they may declare ther minde therin: but for what swine haue bine taken in y^e streete, or in other feilds or places where they ought not to be, that they paye according to y^e Order, w^{ch} is 12^d a peece because they turned them out: /

William Andrewes was complained of because his swine were found abroad, contrary to Order: he promised to paye for what hath bine so found, according as the Order requires.

Mathias Hitchcocke, Henry Lindale, Benjamine Wilmott, Henry Pecke, John Thomas, Allen Ball, M^{rs} Gregson, Jn^o Walker, William Davis, Jn^o Benham, being warned to appeare at this Court, appeared not, w^{ch} the Court looked vpon as a great neglect, if not contempt, and Ordered that they be warned to y^e next Court, to show cause why they did not now appeare: /

Edward Pattyson was complained of, last Court & this of his fence to be defective in two places and is not yet mended though he had warning both times to mend it, and is now fined 2^s for each time, w^{ch} is 4^s: /

M^r Allertons fence was againe complained of to be defective still in two places: and is now fined 2^s: /

[34] AT A COURT HELD AT NEWHAVEN: OCTOBER 1TH 1650

Jeremiah Whitnel, William Fowler & Thomas Powell were complained of for absence the last Trayning day: Jeremiah Whitnel and Thomas Powell answered, that the day before their cow keeper had lost part of his heard; and they two were faine

to keepe them that came home in the quarter till he went to looke them were lost: And answer was made for William Fowler, that he had lost his coves, and was that day looking them, and not yet found them. The Court considering the necessitie of that worke, and what a damage the loss of coves is to mens families, past it by in them all for this time: /

James Till was complained of because his fence is downe & great damage is like to come to the quarter therby; and now hee appeared not to answer: M^r Goodyear said he came to him and desired it might be forborne till y^e next Court: Jn^o Cooper said by the next Court ther may be 10^l damage. The Court Ordered that Jn^o Cooper bring him forthwth before the Gouverner who is to order things as he sees cause: /

Thomas Wheeler was complained of for his fence being defective in 4 places, so that cattell hath and may goe in: yet Jn^o Coop^r said he hath bine warned to mend it three times: the Court Ordered that for the 4 defects he paye 12^d a peece, the two last times he hath bine warned, w^{ch} is 8^s:

Further for 26 cattell brought out of y^e English corne, w^{ch} came in at his fence, he is to paye 3^d a peece, w^{ch} is 6^s: 6^d: /

Christopher Todd complained that he had 10 bushells of turnvps taken vp by cattell, w^{ch} came in at Thom Wheelers fence, as Robert Johnson judged the damage to be, wth w^{ch} Thom Wheeler was satisfied: and promised to paye him: /

Thomas Wheeler because his gunsticke wanted a socket last Showing day was fined 6^d: /

M^r Thomas Johnson, Attorney for Robert Sincklar declared in an action of defamation, that Jn^o Ludmā called Robert Sincklar dogg & runnagado: the Court called for prooffe, he produced William fox: who said that he heard Jn^o Ludman say he would never cary English dogg more, but could not affirme he said Robert Sinklar was a dogg, for he is a Scochman: also a frenchman was called by M^r Johnson to prove he called him runagado, but the frenchman said he did not call him runagado, but said it is not a Christian part to sweare falsly: M^r Johnson was told that he sees that his prooffe failes him: and before the Court speakes he sees himselfe cast in y^e cause: w^{ch} he could not deny: /

Further M^r Johnson for Robert Sinklar enters an Action of the case against John Ludman, and declareth that at y^e barbadoes

Robert Sinklar lett himselfe to come wth Jn^o Ludman to New-England, and no further: and that Jn^o Ludman said at roade Island that he would turne Robert Sinklar ashore at New hauen, but now he refuseth and would haue him sayle to y^e Maderaes wth him: William Fox said that Jn^o Ludman did say so at [35] Roade Island, and at sea also; he was told they might be some hasty, passionate words, w^{ch} must not stand for an Agreement: The Court for their further satisfaction desired to see John Ludmans booke wherin the hiring of Robert Sinklar was entred and vpon sight therof found that y^t part w^{ch} saith he should saile further wth him then New-England was interlined, and not written at one & the same time, w^{ch} was very vnsatisfying. The Court told Jn^o Ludman that his booke makes rather against him then for him: vpon w^{ch} consideration, ther being no satisfying prooffe on either side fully to cleere the case, the Court Ordered that Robert Sinklar haue his wages payde that is due to him: and that he haue his libberty from the service of John Ludman: /

Samuel Barret p^rsented to y^e Court two testimoneyes vpon oath that Adam Beere gaue him certaine things, when he dyed, w^{ch} is expressed in those testimoneyes. The Court said they thought it fitt Barret should haue y^e things given him: but because y^e Inventory and will of y^e said Adam Beere is not perfected it is refferred to y^e next Court, when M^r Westerhouse is desired to p^rsent both will and Inventory perfected to y^e Court: /

Christopher Todd, Robert Johnson & Benjamine Willmott are to be warned to come before y^e Gouverner in y^e afternoone, to answer because they haue put cattell into the quarter contrary to Order.

M^{ris} Allerton fined againe for her fence 2^s: /

Edward Pattyson fined againe for his fence 2^s: /

AT A GENERALL COURT HELD AT NEWHAVEN OCTOBER 3D 1650

M^r Evanc, Hen: Pecke, Jn^o Vincon & William Paine had libbertie to dparte y^e Court.

It is Ordered that vpon the second day next, swine shall haue libbertie to goe abroad, and so to continew till y^e Court see cause

to alter it: & men are desired to see that ther fences are made substantiall according to Order./

It was propounded that swine might be ringed and men stinted in keeping, but both were reffered to another time:/

Francis Browne propounded that he might lay downe the Ferry:* he was desired to keepe it till another could be provided, and Geo: Pardy was desired to come speake wth the Gouverner to see if hee bee willing to keepe it: and if not he, William Paine:/

It is Ordered that if any soldiours shall in a disorderly way shoote in y^e night, or in y^e day wthout leaue, or contrary to y^e order of ther officers, they shall be punished as y^e particular Court shall judg meete.

It was propounded that a Schoolemaster might be provided for y^e Towne: The Court approved of y^e motion and chose y^e Magistrates, Elders and deacons & deputies for y^e particular Court, to consider wher to haue one, and what sollary to allow:, and whether y^e towne should not beare a part, and y^e parrents of y^e children taught a part: and whether parrents should not be compelled to put their children to Learning, at least to learne to read English & to wright:/

It is Ordered that those that were to veiwe a peece of ground for Lievtennant Seely aboute his house, should make their report to the Gouverner who is to approue and settell it, if he sees cause, as if y^e Court did it.

[36] Nathaniell Kimberly is appointed drumer for y^e towne and is to have 5^l a yeare wages, he maintayning his owne drume.

Nathaniell Meriman propounded that he might haue the ground in y^e oystershell feild† he had last yeare; but it is refferred that the officers may consider how it may be spared, because it was left vnlett to shoote vpon.

Lievtennant Seely had libberty to cutt him some fire wood in the oxe pasture, and it is to be considered against another Court, whether libertie might not be given to others also: y^t so the ground might be cleered, either for pasture or planting: and the

* He lived towards the further end of East Water street, facing the harbor, and ran a ferry across the Quinnipiac River, near Tomlinson Bridge. See N. H. Colonial Records, i, 165, 217.

† East of State street, between Chapel and George streets.

Committee formerly appointed concerning that* are desired to meete and consider of what was committed to y^m, and every man that will plant to bring to the Committee how much he will plant this yeare: /

The carpenters of y^e Towne are desired to consider wth the deputies, what is necessary to be done concerning the repaire of y^e Meeting house.

William Andrewes propounded for a portion of meddow one y^e East side by y^e pine river, inough to make a farme; it was said that Jn^o Cooper and S^{rt} Beckly propounded for some ther also; it was answered if it was devided into so many parts, it would not answer the end of farming: the Court desired Leivtenant Seely and Francis Newman to veiwe it; and granted to him that meddow by y^e pine river as y^e veiwers shall judg meete:

The Court granted to Thomas Mitchell, a small peece of meddow on this side y^e Mill river: and to Jn^o Cooper two peeces, one vpon this side y^e river, the other on y^e further side; they all lye at y^e further end of y^e meddow next y^e mill beyonde any propietie yet laid out: /

It is ordered that some men be prest to help Jn^o Cooper to mend the causway as they goe to y^e Necke: /

The Treasurer is Ordered to pay Andrew Low 6^s for makeing the way to come downe y^e hill in y^e Necke: /

AT A COURT HELD AT NEWHAVEN NOVEMBER 5TH 1650

M^r Westerhouse p^rsented an Inventory of the Estate of Adam Beere (a Duch man w^{ch} dyed at Newhaven) amount to 10^l 13^s 05^d (sold at an out cry†) and tooke oath that this Inventory now presented is a true, full and just Inventory according to y^e best of his knowledge and light. [A will also p^rsented proved by the oath of M^r Westerhouse.

Samuell Barrett demanded out of the said Estate of Adam Beere, two shirts, two beavour skines, a hatt and all y^e wampom was in his purse when he dyed; w^{ch} the said Adam gaue him as

* See N. H. Colonial Records, i, 465.

† Public sale or auction.

appeares by the oath of Job Hall taken before y^e Gouverner and y^e oath of Geo: Chatfeild taken before M^r Disburrowe.*

M^r Westerhouse said the linon was given by Adam to Henrickes Children: and y^e hatt and beavour skines were sould wth the other goods: and for y^e wampom Samuel Barret had it, for looking to y^e said Adams in his sickness.

[37] Barret was asked whether Adam gave him these things beside his paye, for looking to him; he could not tell but desired to leave it to the Court: M^r Westerhouse said that the two skines were two littell ones, sould for aboute 10^s, and barret could not gainsay it. The Court Ordered that Samuell barret, beside y^e 17^s in wampome he hath received, haue paide to him by M^r Westerhouse, 6^s for y^e hatt, 12^s for y^e two shirts, 10^s for the two beavour skines, wth w^{ch} Barret was satisfied, and M^r Westerhouse promised to doe it:/

M^r Augar demanded out of y^e Estate of Adam Beere 3^l 1^s 6^d for phisicke, w^{ch} Adam had in his sicknes, w^{ch} y^e Court ordered M^r Westerhouse to paye him: and he promised to doe it:/

Jervice Boykine desired to speake something to y^e Court on y^e behalfe of M^{ris} Allerton concerning her fenc, but because Jn^o Cooper who informed the Court concerning it is not heare, it was referred till the next Court:/

John Vincon for late coming to trayne yesterday was fined 12^d.
Thomas Wheeler for the like is fined 12^d.

Rogger Allen and his man for y^e same cause fined 2^s.

William Judson because man came late to trayning in October was fined 12^d: he said it was his mans fault; he was told he must pay it, and if it was his mans fault may require it of him againe.

Jeremiah Watts complained of for neglecting his watch, but because the Corporall is not here that complained, it is referred to next Court.

Jeremiah Hull & James Eaton to be warned to next Court for defect in ther armes:/

Adam Nicolls for a defect in y^e stocke of his gun fined 12^d:/

* Samuel Desborough was the magistrat^e of Guilford, where Chatfield lived.

M^r Gibbard passeth ouer to rogger Allen one peece of meddowe conteyning 9 ac^rs and some od perches, lying in y^e west meddow, bounded on y^e east wth the west river, on y^e west wth the vpland, on y^e south wth y^e meddow of Jn^o Gibbs, and on y^e north wth y^e meddow of M^r Wakeman & M^r Gibbard: /

Edward Pattyson was complained of for neglecting to trayne two dayes: he said M^r Dauenport told them his farmers vsed not to trayne, but he was told his Farmers were never freed more then others, wherfore he must paye the fine w^{ch} is 10^s; but because it was vpon a mistake & he a poore man, the Court bated halfe, so he is to paye five shillings fine: /

Mathew Row was complained of neglecting his watch, but refered till next Court.

Jn^o Tompson complained for neglecting trayning, but had not warning to be here, therefore it is referred till next Court.

The Court were acquainted that ther is an Attachment vpon Henry Stonills lott* for rates to y^e towne; Rogger Allen who bought y^e Lott was desired to give M^r Bryan notice of it y^t y^e towne may be satisfied.

William Pecke informed y^e Court, that he had attached some goods of Simon Potters, for something he owed him, and desired some might be appointed to prise them: the Court appointed Thomas Kimberly and Adam Nicolls: /

Goodman Baker informed y^e Court that he had Order from Nicolas Bullin to receive into his hand certaine tooles and other Estate of his here in this towne, part of w^{ch} (as a peece of cloth) [38] is attached by Cullumby, a frenchman, he desired the things might be delivered into his hand: he was told that the attachment must stand, and what other debts Nicolas Bullin owed must be paide, wherfore the Court Ordered that an Inventory be taken of y^e whole estate and prised as vpon oath, and that debts be paide or security given to discharge them; and if wthin two monethes, after goodm Baker can prove Cullumby hath notice, that if he doe not prosecute in y^e case, the attachment will be voyde, and he doe not appeare to alledg and prosecute, then y^e peece of cloth shall be free from his attachment, and vpon these termes Goodman Baker may haue y^e Estate: /

* He had removed to Milford in 1641.

The Court desired Jasper Crane and Francis Newman to be helpfull to Goodwife Walker to finde out how y^e estate her husband left stands, and then the Court may advise her whether to Administer, or no: /

AT A COURT HELD AT NEWHAVEN DECEMBER 3D 1650

M^r Wakeman was complained of because his fence is defective in two places, and though he had warning of it, yet mended it not sufficiently in season: wherfore he was fined 12^d for each defect w^{ch} is two shillings.

M^r Caffinch for two defects in his fence not mended after twice warning was fined 4^s.

M^r Gilbert for six places in his fence defective after once warning yet not mended sufficiently before a 2^d veiwe fined 6^s.

John Benham for 7 places in his fence defective, not mended though he had warning to doe it, was fined 7^s:

Allen Ball for 5 defects in his fence not mended after warning to doe it was fined 5^s:

William Basset for his fence fined 12^d now promiseth to paye.

Thomas Langdens fence complained of to be defective in 16 places and some of it laye downe a good while & much damag was done in mens corne therby; and they that pounded y^e cattell require paye, w^{ch} the Court told him he must paye vnless he show cause to y^e contrary, and for y^e fence 12^d a defect, w^{ch} is 16^s is to be paide: /

Thomas Langden said Jn^o Beech his fence was downe also that cattell might come in: he was told all must fare alike: /

Robert Embry because his fence is defective in two places and not mended seasonably though he had warning to doe it, find 2^s.

Benjamin Willmott for want of some Bullitts fined 6^d.

M^r Allertons fence was complained of to be defective in two places: M^r Evanc said M^{ris} Allerton desired him to acquainte the Court wth y^e case; the quarter she saith altered her fence but acquainted not her wth it, wherevpon when her fence was

complained of, she sent men to her old fence, and they went and mended that, but when she knew her fence last laid out, she sent and mended it, though now, it be downe againe. John Cooper said he told M^{ris} Allerton her fence was [39] in another place, and she must looke after it to gitt it mended, but she hath not done it sufficiently to this day, for now ther is two places defective. The Court said they must rest in John Coopers report, because he is in publique trust for this matter of fences: therfore y^e Court Ordered that M^{ris} Allerton pay for the two defects at present 2^s:

It was before the Court agreed betwixt Peeter Johnson, Agent to M^r Benzio, and M^r Augustine Harman* that if M^r Augustine can cleere by sufficient Testimoney that he had bought three eight parts of y^e shipp Swallow of M^r Westerhouse before the said Agent came to New haven, he shall injoye it and one quarter part yet vnsould remaining in y^e hands of M^r Westerhouse, but attached for M^r Benzio: his Agent concurs wth the rest to dispose of y^e shipp in sending her forth for y^e best advantage of the owners: /

M^r Westerhouse is fined for his defective fence after once warning 3^s.

M^r Westerhouse and M^r Benzioes Agent desired ther might be a Court called for issuing the buisnes depending betwixt them: they were told it must be at ther charge it should be done, w^{ch} they agreed to: /

M^r Gibbard the Treasurer had Order to require of Rogger Allen what is due to y^e Towne vpon Henry Stonhills lott, and y^e Court will secure him from M^r Bryan for what he so payes: /

Henry Gibbines because his fence is defective in three places though he hath bine warned to mend it is fined 3^s.

Owen Morgan for one defect in his fence fined 12^d.

Jn^o Meggs for 3 defects in his fence fined 3^s.

Thomas Jeffery was complained of for not trayning; he sd he hath not bine warned to trayne since he left his place of being Serjant: and he tooke that for an Exemption; the Court ther-

* Johnson was a merchant in Fairfield, perhaps of Dutch origin; and Harman, properly Heermans, was a merchant of high standing in New Amsterdam.

vpon past by what is past, but told him he must attend it for time to come, except y^e Court free him: /

William Basset desired y^e Court to resolue him whether Good-wife Banister should not show him y^e land he bought of her husband before he dyed: the Court told him he should have required it of him in his life time, but now he hath Rsd it in Court, and past it ouer to another and therefore cannot require it of her, but must finde it out some other way, w^{ch} may be done by the survayer & quarter, and therefore must paye her what is due to her: /

[40] AT A TOWNE MEETING HELD AT NEWHAVEN DECEMBER
17TH 1650

The Gouverner informed y^e Court that y^e Cause of this meeting is because diveres of y^e towne haue bine wth him and expressed a sense of difficulty in carying on ther family occasions wth comfort in this place, ther being more in y^e towne then can well subsist together, and therefore they thinke ther is a necessitie that some should remove: also that Delaware Bay hath bine propounded as a place fitt to receive plantations w^{ch} may be for y^e good of posteritie; but because he knew not the minde of y^e Towne, and heares that diveres are discouraged aboute fences and other occasions, thought fitt to call the Towne together, that all might be duely considered for y^e good of y^e whole: /

After w^{ch} it was desired that y^e Towne would express their minds herein, but because y^e matter is so weightie it was thought not so fitt to doe it by vote, or holding vp of hands, but that every man might express himselfe in words, what he apprehends concerning y^e thing now in hand, and accordingly the names were againe called and every on present spake his minde therin, w^{ch} being done it appeared that y^e Major part by farr did se a necessitie that some part of y^e towne should remove & they thought also that Delaware bay was y^e fittest place to remove to, that so a way may be provided, for y^e good of posteritie hereafter, w^{ch} they hoped would be done if good foundations, both for church and common wealth, were laid in that place: /

AT A COURT HELD AT NEWHAVEN JANUARY 7TH 1650

Francis Browne was complained of because his fence at y^e hey place is defective, one length of rayles two times: Francis Browne said it hath bine very burthensome to him, and hee desires to leave it, and y^e meddow he keepes it for, but was told y^e Court cannot alter his Agreement wth y^e quarter, hee must seeke to y^e quarter for that, but y^e Court must see order be attended, and therefore order that he must paye 2^s fine for his length of rayles twice defective: /

John Tompson declared that he lett William Bunill his house, & he is willing to give him a yeeres rent, if he would goe peacably out: Bunill said he is willing to goe out but cannot tell where to haue another house, he hath inquired but cannot yet here of any, he hath sent to Thomas Barnes aboute his house, but yet hath no Answer from him. Jn^o Tompson desired y^e help of y^e Court that William Bunill might goe out of his house: William Bunill was told he must not [41] live in another mans house against his will, but must provide for himselfe elsewhere: he said he would doe what he could: /

John Tompson was asked if he would lett him be in it a while till he may speake wth Thomas barnes: Jn^o Tompson said he cared not if he staid in it a fortnight, or three weekes, so he may then haue his house free, and not be troubled to come to y^e Court any more. The Court told Goodman Bunill he must hasten to gett out, he hath libbertie but for a fortnight or three weekes: if he be not out by that time he must be warned to y^e next Court, when the Court will doe as they see cause, though John Tompson be not here; for y^e charges of y^e Court it is at p^rsent forborne: /

Jn^o Tompson said he looked vp Sam: Barrets cow for y^e Jurisdictiō: he was told y^e Jurisdiction Treasurr must pay him.

Hee was complained of for absenc from Trayning: he said his coves were lost, on y^e last day before, and he was faine to goe looke them: y^e Court saw cause to pass it by wthout a fine: /

Thomas Langden was complained of, for disorderly Intertaining of young men in his house at vnseasonable times in y^e nights to drinke wine, strong watter, and take tobaco, and that Richard Lovell when he was here was drunke ther one night: ther hath

bine knowne to be ther, Edward Preston, Jn^o Knight & Jn^o Tuttill once or twice, and Jn^o Allen: and that he hath bine heard to sing filthy corrupting songs, w^{ch} his owne wif hath blamed him for: and Edward Preston hath said they were filthy songs: they before the Gouverner haue owned ther miscariages, and promised amendment, but he said he saw no evill in them, nor would owne his guilt, therfore it is now brought to this Court. Thomas Langden said ther was never any appointed meeting, but was told he hath in a manner invited them, asking them why they were so strange, and why they came no oftener: he was told he hath gone to bed, and left such company vp wth his wife, and that he saw no harmes in such songs, if they were in old England they could sing and be merry: w^{ch} things he could not denye: beside he was told he hath laid slanderous imputations vpon M^{ris} Tuttill, saying she was a tattelling woman, and being wished to take heed what he said, she was a member of y^e Church; he said a goodly priuledge, ther was a member hanged. he denied it: but was told his wife had said the thing was true; he said, he said not M^{ris} Tuttill was a tattelling woman but that her tattelling made this stirr: but his wife said, he spake to that purpose. He was told M^{ris} Tuttill did but her duty to fetch her sonn from his house, and for that he vnjustly reproached her; hee was now asked what evill he saw in it: he would owne none but said if ther was any evill in it he desired to see it. The Court considered of what hath bine said: and see that the miscariage is exceeding great and may produce mischeivous effects in a plantation, and thinke it deserves corporall punishment, or if not a great fine: yet because it is y^e first time and they hope it may be a warning they are content to pass it by for this time, wth 20^s fine, w^{ch} he is wthin a moneth to pay to the Treasurer and to take heed of such miscariages for time to come: /

[42] The Court declared that for y^e 16^s Thomas Langden was fined for his fence y^e last Court, the Estate of M^r Malbon his Master must paye it: but for y^e pownnage of cattell then required if Thomas Langden cannot cleere that they came not in at his masters fence w^{ch} was downe before he went to Milford but at another place, newly broke by an vnruely oxe (as he saith) he must beare it himselfe, because he had warning to mend it, before he went, but did not doe it sufficiently: /

Mathew Row was complained of for neglecting his watch one night: he said it was late before he had warning & he was to goe forth wth y^e Duch shipp y^e next morning; and left word wth his wife to provide one, but she could gitt no bodie: the Court, considering it was not a willfull neglect, passed it wth halfe the fine, w^{ch} is 2^s 6^d.

Thomas Wheeler Sen^r was complained of, for some fence of his that is defective: he said he ownes it not as his fence: if it be, he was wrong informed: the thing appearing difficult, the quarter was desired to issue it among themselues; if not, then to prepare it against y^e next Court, so as y^e Court may cleerly vnderstand y^e case.

Thomas Mitchell complained of y^e fence at plaines as naught generally: and y^e owners of it were desired to looke to y^e mending of it: and Jn^o Sacket promised to joine wth Thomas Mitchell as veiwers at plaines, till ther be a towne meeting when others may be chosen: /

William Paine for one defect in his fence was fined 12^d.

James Till was warned to y^e Court, and appeared not, wth w^{ch} the Court was vnsatisfied: he is to be warned to y^e next Court.

Jasper Crane passeth ouer to Christopher Todd his home lott,* and housing vpon it, and all y^e accommodation belonging to him here at y^e towne: Christopher Todd accepted it.

An Attachment being laid vpon y^e corne of Jn^o Meggs for rates for y^e towne & fines, it was Ordered that if Jn^o Megs being now in Towne take not course to satisfie y^e Treasurer, his corne is to be threshed out, and y^e Treasurer to satisfie himselfe & returne y^e rest to Jn^o Meggs: /

The Court declared that some rates due from Edward Banister before he dyed, w^{ch} his wife conceives was pd in Acco^{ts} wth M^r Gregson, before he went, because it is doubtfull the Court thinkes y^e towne should beare it, and not y^e poore widdow: /

Jeremiah Watts was complained of for neglecting his watch: but y^e Court saw cause to pass it by, because he was hindred by a sudden Accident of some hey that fell in watter as they were fetching it home: /

* On the south side of Elm street, west of Orange. He had removed to Branford in 1644.

[43] AT A COURT HELD AT NEWHAVEN FEBRUARY YE 4TH 1650

M^r Augar acquainted the Court that he hath given phisicke to M^r Malbons servants; viz^d Captive, and Francis Bradshaw & something to a mare that was bitten wth a rattell snake; and that ther is due to him for it 44^s 10^d: he desires the Court would afforde him some help that he might be paie. The Gouverner said that M^{ris} Pery acknowledged the thing was true: and the Court declared that he should be paie out of the Estate of M^r Malbon that is here, for if M^r Hutchinson come to receive debts, it is just he should paye debts also: /

Joseph Alsop desired the Court to grant him Letters of Administration vpon some Estate of his Brothers w^{ch} is in the hands of Moses Wheeler at Stratford, but the Court, vnderstanding that his Brother* was a planter at Stratford, told him that it belonged not to this Court to doe it, but to the Court at Connecticote because his Brother was a planter in that Jurisdiction: /

Goodman Baker desired an Issue of y^e buisnes w^{ch} concernes him and Nicolas Bullin: and to cleere the peec of cloth from the Attachment Collumby had laid vpon it produced William Andrewes, who saith that Collumby gave him Order to discharge the Attachment, if Thomas Meekes was paie 8^s for some Lace Nicolas had of him, and w^{ch} collumby passed his word for: Goodman Baker said the lace is in the chest. The Court Ordered that Thomas Meekes should haue the lace againe: and vpon William Andrewes Testimony the Attachment to be taken of. Goodman Baker also p^rsented an Inventory of y^e Estate of Nicolas Bullin, but it was defective, wherfore he was wished to make it perfect and p^rsent it next Court, wth the Testimonies proving his Order from Nicolas to take the Estate into his hands. Goodman Baker said ther is a debt due from Nicolas Bullin to Serjant Andrewes, which Nicolas writt to him to paye, which the Court thought should be paie.

M^r Pery desired the Court would consider what should bee done wth M^r Malbons Estate, w^{ch} is vnder an attachment. M^r Ling said he thought the attachment had bine taken of, but was told ther was two objections against it, first that the mony due to the owners of the fellowship† was not paie at the time.

* Thomas Alsop.

† A ship so named.

secondly that it was not paid in English commodities, according to covenants. M^r Goodyear promised that excepting what damage may come by those two particulars, he will undertake for the rest, so the attachment may be taken of: M^r Ling was desired to goe for M^r Wakeman and M^r Atwatter, who came and said for their owne parts they were willing it should be taken of, but they are intrusted for others and desired they might haue libbertie to speake wth them before they declare themselues, and they were desired to hasten a meeting wth them that so the thing may be issued: /

[44] The Gouverner propounded whether it was not necessary, (considering M^r Pery and M^{ris} Pery are going away) that a just Inventory be taken, and a due apprisment made, of M^r Malbons whole Estate, and some appointed to doe it. The Court and M^r Pery thought it was very well it should be so: the Court desired M^r Pery for M^r Malbon should name two, and the Court two: M^r Pery named M^r Ling and Francis Newman; whom the Court approved of, and chose M^r Gilbert and M^r Atwatter to joyne wth them to prise the Estate, calling in any helpe of weomen or men of suitable trades to help them in any particulars: /

M^r Pery was asked if he knowes of any shott or Acc^{ots} of y^e Townes in M^r Malbons house: he said he knew of none: it is desired they might be looked after: /

M^r Pery propounded to know how he should be paid for 148^l of Iron M^r Westerhouse had of his; he was told it had bine formerly considered, at a Court of Magistrats, but for want of light the Court can doe no more in it: /

William Pecke demanded out of the Estate of M^r Malbon aboute 3^l w^{ch} he delivered to him before he went hence to paye it in England for him, but he doth not heare that it is paid, therefore he desires that he might haue it here, and hath laide an Attachment vpon some leather in Thomas Beaments hand. M^r Pery informed the Court, that he conceiveth that lether was absolutly sould to Thomas Beament: William Pecke was asked if he can prove by any wrighting that the mony is not paid; he said no but thinkes it is not; he was told the Court cannot give him power to receive that w^{ch} he proves not to be a debt: and if he keepe on an attachment he must put in security to answer what damage M^r Malbon may suffer by it: And Mr.

Goodyeere told William Pecke that for a matter of 3^l, he would be security for M^r Malbon, so the attachment may be taken of:

Marke Pierce hath sould vnto William Judson his house and house lott,* conteyning one ac^r and 20 perches more or less; 12 ac^rs and a halfe of land wthin y^e two mile, lying in 3 parts in y^e quarter commonly called M^r Newmans quarter; two ac^rs & a halfe in y^e necke: 8 ac^rs & halfe of meddow lying in y^e great Island, in y^e east river; and all his lands w^{ch} may hereafter be allotted to him for his second devisiion: /

Benjamin Willmott hath sould vnto Thomas Powell his home lott lying betwixt M^r Yale and Thomas Johnsons lotts: two ac^rs and a halfe of land ouer against it in y^e Yorksheire quarter, wth a barne vpon it, betwixt the land of M^r Thomas Yale and Richard Hull: and 3 ac^rs & a halfe of land in y^e same quarter lying betwixt the land of M^r Yale and y^e land w^{ch} was M^r Fugills, wth all the commonage herevnto belonging: /

David Atwatter hath sould vnto Samuell Caffinch his house lott lying next M^r John Caffinch and was part of M^r Pococks lott,† conteyning one ac^r and three quarters: /

[45] John Harriman hath sould vnto David Atwatter his house and lott w^{ch} lyes betwixt M^r Robert Newmans, and William Andrewes: /‡

John Harriman hath sould vnto John Coop^r 13 ac^rs of land lying in 3 parts in M^r Newmans quarter: and 4 ac^rs of meddow on the further side of the East river; and his right of commonage for his land: all w^{ch} he formerly bought of Francis Newman: /

John Tompson desired William Bunill might be put out of his house: M^r Goodyeare desired he might staye in one weeke more & he would vndertake he should then goe out, wth w^{ch} Jn^o Tompson was satisfied at present: /

William Bradley desired to resigne into the Townes hand a house-lott and 8 ac^rs of land at y^e plaines, w^{ch} was one Abraham

* On the east side of College street, at Wall. He was born in England in 1597; came hither from Cambridge, Mass., in 1642, as a surveyor and schoolmaster; returned to England in 1652 or 1653; died in 1656.

† Opposite Mark Pierce's lot (see above). John Pocock, or Peacock, removed to Milford in 1639.

‡ On the south side of Grove street, at Temple.

Smithes and left some time in his hand; the Court told him, that those that haue land at the plaines should be acquainted wth it, to see if they can show any good reason why it should not be done :/

Thomas Langden was called to show reason why he p^d not for y^e pounding of some cattle w^{ch} came in at his fence: but he not appearing, Jn^o Coop^r who complained was ordered to require it of him.

AT A COURT HELD AT NEWHAVEN THE 4TH OF MARCH 1650-51

M^r Robert Newman informed the Court, that the money w^{ch} he hath in his hand of Nathaniel Tenches is ready, and he desired that some might be appointed to receive it: for he desires not to keepe it in his hand any longer: he was told that the care of the child was committed to the Church, and they must appointe how it shall be disposed of: but in the meane time this tender of his of the money should free him so farr as he should not paye any further Inerest for it. M^r Newman desired it might be paide in to the Treasurer, to be kept till the Church dispose of it: but the Treasurer refused; and the Court desired him to keepe it still in his hand: /

This Court finding much trouble to come by the neglecting to gather fines, so soone or wthin a short time after they are laide: Ordered, that when any delinquents are warned to y^e Court, and appeare not, the Secretary to give a note to the marshall to warne them to y^e next Court following: and that the m^rshall from time to time call to the Secretarie for a note of all such fines as are assessed that they maye be demanded, and gathered before the next Court, or else the parties concerned warned to y^e next Court to show reason why it is not p^d.

Collumby a frenchman entreth an Action against Goodman Baker for a peece of cloth of 7 yards and some lace, w^{ch} he keepeth from him: w^{ch} cloth and lace was given by Nicolas Bullin a frenchman to Susan a maid that lived wth M^{ris} Goodenhouse: but he the said Collumby had it from the maide: and now she threateneth to sue him for it. Goodman Baker said that Nicolas gaue the maid the cloth, vpon condition that she would haue him to

be her husband: but she refusing that, Collumby for Nicolas gott the cloth and lace againe: and he locked it vp in his chest w^{ch} he hath Ordered him to receive. Collumby said the cloth was given the maide freely, to prove w^{ch} he produced severall witnesses. [46] First, Theophilus Higginson testifieth vpon oath that he heard Nicolas Bullin say he had provided a peece of cloth at M^r Westerhouses and purposed to give it to Susan Turbelfeild; and wthall told him he intended to speake to her to see if she would haue him and asked him aboute it. he told him he thought she would not haue him: he said he thought she would: this deponent asked him why he would give it her: is it in refferrenc that she will marry you; he said if she will not haue me I will give it her freely, for I had rather give it her, then spend it at the Ordinary: he asked why: Nicolas said, he loued y^e maide, she came in y^e ship wth him from the Barbadoes, and being she wants clothes, he would give it her: but how much was of it, or whether it be this same cloth in question he knowes not.

John Kimber testefies vpon oath that he thought Nicolas Bullin had some thoughts of marriage towards Susan but could not tell that she gave him any incouragement, but he heard Nicolas saye she would gitt a good suit by it, and he cared not; afterward at the rivers mouth, he heard Nicolas say againe, he gaue her the cloth, but he cannot tell vpon what condition, but he thought it was because he did beare her good will in waye of marriage; further this depon^t saith, that when Nicolas was goeing away, he said he would goe to the Gouverner for a warrant to haue the cloth, as he apprehends from Collumby, who had the cloth in his chest, but he would doe wth it he cannot tell:/

Richard Newman testefieth vpon oath that he desired Nicolas Bullin to tell him his minde, whether he gaue the maid the cloth in way or vpon condition of marriage wth him; Nicolas answered no, no, I give it her freely:/

Collumby was told by the Court, that it appeares by y^e witnesses that Nicolas had such thoughts towards the maid, and that he himselfe asked M^{rs} Goodenhouse leave that Nicolas might come to her, and she gave leave, and William Andrewes said Nicolas had often said so, and he hath seene them together walking late in the night. Susan was sent for and asked if she threatened

to sue Collumby for this cloth; she said no, but she said the cloth was given her freely: and that Nicolas had never made any motion of marriage to her, w^{ch} the Court beleevd not, because it is granted on all sides that Nicolas had such intentions: /

Collumby was asked if Nicolas and he did not consult together, how to gitt the cloth from the maid againe, when they see she would not haue him: he said yes, and was told that when he had it againe, he would not give it her but locked it vp: /

The Court considered of y^e case and Ordered that y^e cloth & lace be put into the Treasurers hands, and kept wthout damage, and that an Invoize of Nicolas Estate be brought in to y^e Court and what debts are owing out of it: that they may see how debts shall be paide before the cloth be disposed of: /

[47] M^r Pery desired to know why the Attachment is not taken of, from his father M^r Malbons Estate: and if it may not be taken of, that security may be given to paye damages. M^r Evanc desired to know of M^r Pery by what authority he made this demand, but he showed none, nor any thing from M^r Hutchinson to show that he hath power to remove or dispose of any part of the Estate. But the Gouverner wished those intrusted for the ship, to consider that the attachment may not be kept on wthout just cause, for if it be, certainly damage will come, and those that laide that attachment must answer the damage: /

M^r Pery further desired that he might cary some things to England that his father writt for, but was told all was past ouer, and he must haue allowanc from them interested in it: /

The Court Ordered that what is due to James Byshop, for wages for his service to M^r Malbon, should be p^d to him out of M^r Malbons Estate: /

M^r Evanc said their is 53^s or some what more demanded for Nathaniel Malbons diet at the duch: and Jn^o Kimber said one William Smith said he sent Nathaniel Malbon 12 gillders. The Court thought what was justly due for diet should be p^d, but for money lent him they order nothing concerning it: /

M^r Goodyeare desired the Court would remitt a fine of 40^s a good while sinc laid vpon Jn^o Harriman for drawing wine wthout order: he acknowledgeth the Justice of the Court in so proceeding, but desires their favour to remitt it. The Court considering

the vsefullnes of Jn^o Harriman to y^e Towne in keeping the Ordinary, and that it was but a remnant of wine that was left when y^e ship fellowship was finished, did remitt it to him: /

M^r Goodyeare acquainted the Court that the ship Swallow, where in himselfe and Edward Stanton have five eights, and 1 quarter part belongs to M^r Passmer and M^r frier in the Maderaes, for whom M^r Pery is intrusted, is now preparing for a voyage, and it will be a great loss to the owners if she be hindered: they desire ther therfore, that M^r Pery for M^r frier and M^r Passmer would sett forth that quarter part, but if he refuse they will consider some other way. M^r Pery said he hath not Estate in his hand to sett forth and fraight that quarter part; and to disburse when he foresees loss, and hath no express order, hee refuseth. Then M^r Goodyeare, and M^r Evanc on behalfe of Edward Stanton, declared that if M^r Pery can procure any that will sett it forth vpon bottomrye, he hath his libbertie and may make his termes as easie wth them as he can, for this present voyage; but if he cannot doe it, then they declare that they will doe it at 20 per sent.

M^r Pery desired security might be given that if any damage come by the ships goinge to the barbadoes it may be answered: /

Francis Browne desired the Court to remitt a fine w^{ch} was laid vpon him for some fence at y^e hey place, w^{ch} was washed vp wth the tide, but y^e Court would doe nothing in it, but wished him to agree wth the qrts to w^{ch} it belonged, to gitt free if he can, for if it be complained of the Court cannot pass it by: /

[48] William Andrewes passeth ouer to Thomas Meekes his dwelling house, and barne & home lott,* and all his land wthin y^e two mile lying in M^r Newmans quarter in 3 deuissions, and 8 ac^rs of meddow by the mill river vpon the neck side, and all his meddow vpon the great Island, against M^r Dauenports farme,† and aboute two ac^s and a halfe of meddow lying by M^r Augars meddow on the east side, and the vpland belonging to it and all his land in the necke.

* On the south side of Grove street, east of Temple.

† This farm was in Fair Haven, and the Great Island in Mill River is now crossed by Grand avenue.

AT A GENERALL COURT HELD AT NEWHAVEN THE IOTH OF
MARCH, 1650-51.

The Gouverne^r informed the Court that the principall occasion of this meeting is aboute fences, to wish men to remembr the Orders allready made, and hasten the mending of their fences, that men may not be discouraged in ther sowing, and the Court by vote declared, that the Orders aboute fences stand as they were, and that swine have ther libbertie to goe abroad as formerly ordered: /

It was propounded to John Coop^r, whether he intended to goe on in his worke of veiwing fences as formerly: but he answered, no. Wherevpon the Court chose veiwers, for the fences out of each qrt. viz^d: for M^r Eatons quarter, M^r Dauenports quarter, and oystershell feild, Robert Pigg and Thomas Meekes; for M^r Newmans quarter & M^r Caffinch his quarter, William Judson and Robert Johnson; for y^e new feild beyond the Gouverne^rs lott, and that by the clay pitts, Edward Parker and John Benham; for the Yorkshire quarter, M^r Wakemans quarter, and M^r Goodyeers quarter, Thomas Johnson and M^r Goodyeere to send his man Henry Boutell; for M^r Lambrtes quarter, Roger Allen and Thomas Lamson; for the subverbs quarter, William Tompson and Mathew Camfeild; for the plaines, William Daus and Isaacke Beecher; these are to veiwe twice every moneth, that is some day in the second weeke and some day in the last weeke of every moneth: and to begine this weeke. And John Coop^r promiseth to goe wth them, and show them every mans fenc. All Orders and penalties formerly made aboute veiwers and veiwing of fences, the Court by vote declared should stand in full force and power: /

It was propounded whether the poundage of swine should still continew to be 12^d a peece, of w^{ch} the Court considered and Ordered, that when swine are taken in corne feilds, or other places wher they ought not to be, but 6^d shall be pd to him that brings them home, or pounds them, beside the damage they doe; and 1^d a peece to y^e pound keeper if they be pounded, w^{ch} poundage and damage may be required, either of him that ownes the swine, or of him that owes the fence, at his choise who brings them out or hath the damage, but if no fence be found defective, the

owner of the swine to paye wthout dispute, and the same order is for all other cattell, in the manner of payment for them when they doe damage, other orders aboute poundage of cattele standing in force as formerly: /

[49] The Gouverner informed the Court, that if Delaware bay goe on, some course must be taken for settlling and moulding the Towne,* according to the Generall Courts Order: and that it might be done to the satisfaction both of them that staye and them that goe it was propounded, that a Committee might be chosen, some of both, & accordingly the Gouverner, M^r Goodyeere, M^r Evanc, M^r Gilbert, M^r Wakeman, M^r Gibbard, Leivtennant Seely, Henry Lindon, John Coop^r, and Francis Newman were chosen as a Committee to settle these things: and Richard Miles and Joshua Atwatter had libberty and were desired to come if they would when the Committee mett, w^{ch} is appointed to be this afternoone: /

The Court Granted to Robert Pigg a peece of land of aboute 4 ac^s, formerly granted to Thomas Munson out of M^r Roes lott, but now by him resigned to Robert Pigg if the towne give consent: /

Vpon the report of the veiwers, formerly appointed, for that purpose, the Court granted to Leivtennant Seely a peece of land aboute his house, runing downe to the Creeke the breadth of his lott, leauing a high way, from the Creeke to the streete for carts to come to fetch goods if ther be occasion: /

Mathew Camfeild informed the Court that he desires to leave to the towne the lott he had of them, w^{ch} was M^{rs} Eldreds, and he shall allow to the towne, what shall be judged meete, for the time he hath had it, and desires to leaue it after next harvest, and it was refferred to William Daus and William Tompson to consider of and issue it.

The Gouverner informed the Court, that ther is a lott of one Abraham Smithes, some time left in y^e hand of William Bradly, w^{ch} he desires now to resigne into y^e townes hand: namely a home lott neare Thom Munsons, and some land at plaines. The Court desired those w^{ch} haue land at plaines to consider of it, and when the Comittee meetes to repaire to them for advice: /

* On Delaware Bay.

It is Ordered that the Treasurer paye out of the Towne stocke, for the makeing of 5 or 6 rod of fence, for Widdow Beecher y^e midwife:/*

A Case refferred by the particular Court to this Generall Court in September last, concerning some swine w^{ch} were put in to M^r Wakemans quarter, and other two quarters joyning wth them, was propounded: but the Court declared, ther was no order giving y^m Libbertie so to doe, nor could they in reason thinke it would bee allowed, vnless their fence had bine sufficient to keepe them in, w^{ch} it was not: therfore they see no reason but those that owed the swine w^{ch} were taken, should paye for them as y^e order then stood.

The Court chose the Gouverner, M^r Goodyere, M^r Evanc, M^r Gilbert, M^r Wakeman, M^r Gibbard, M^r Atwatter, and John Gibbs as a Committee for the receiving of planters into the Towne, and for the Allowing of those w^{ch} are allready planters to buy other mens lotts and houses: /

The Treasurer informed the Court that ther is need that a new rate be granted, for the Towne hath sundrie workes to doe: as aboute the meeting house, bridges and causwayes and other charges [50] and a debt to M^r Atwatter for the Jurisdiction, and 33^l od money due from the Towne to M^r Pococke of London: but ther is not in hand wherwthall to paye: the Court vnderstanding that ther were sundrie Debts, due to the Towne, desired that they might first be gathered in, but being informed that if they were, it would not doe the buisnes, the Court Ordered that one whole rate be forthwth paide, after the manner as it was rated last yeare; and to assess men justly according to their Estates, chose a Committee, viz^d: Thomas Kimberly, M^r Ling, M^r Caffinch, M^r Atwatter, M^r Wakeman, Jn^o Nash, Rogger Allen, M^r Gilbert, Mathew Camfeild, William Russell, David Atwatter, for the farmes on this side the east river; & M^r Ling for Stoney river: & William Davis for the plaines: the Orders and penalties made last yeere in October and Nouember aboute this matter were reade and are to stand in full force now also.

It is Ordered that the watch be forborne till this day fortnight and then to be settled, and goe on in y^e manner was last ordered: /

* Hannah, mother of Isaac Beecher.

It was propounded to know whether the towne would allow any sollary to M^r Janes* for teaching scoole; much debate was aboute it, but nothing was ordered in it at present: onely it was propounded to him that if the Towne would allowe hime 10^l a yeere, whether he would not goe on to teach, and take the rest of the parrents of the children by y^e quarter, but he returned no answer: /

Jervice Boykin desired that those w^{ch} are behinde in y^e Colledg corne, would bring it in wthout delaye: /

AT A COURT HELD AT NEWHAVEN THE FIRST OF APRILL 1651

M^r Mathew Gilbert ingageth himself, and six oxen, and six cowes and one mare for seventy six pownds od money w^{ch} hee hath in his hands of Nathaniel Tenches, and that hee will be answerable to Nathaniel Tench, or any w^{ch} shall justly claime that estate, for the same: and if any of y^e cattle dye, or he altereth the propertie of any of them, he will put other in the roome therof to the Courts satisfaction: /

John Wood was called before the Court and charged wth Theft and lying: for theft that as he hath bine walking the woods, he saw a hogg bitten wth a wolfe, w^{ch} was M^r Wakemanis as he now confesseth, w^{ch} he brought home to his house, and gott John Cooper to looke of it, and tell him whether he thought it would recover or no, and tould John Cooper he bought it of one of Milford: after a while he killed the swine, and he now saith sould both sides of it to Milford: after when Anthony the Sheppard who had some time bine his partner came, and asked John Wood aboute the swine he said he bought it at Milford but vpon further Inquirie it was not found to be so. [51] John Wood was tould that he hath stole the swine, concealed it, killed it and sould it, and added lye to lye to hide his sinn. John Wood confessed the thing, as it was charged vpon him, and said he was sorrey, and desires to be humbled for it before God and his people. M^r Wakeman was asked what the

* William Jeanes, who lived on the southeast corner of Chapel and Church streets; he soon removed to Northampton, Massachusetts.

swine was worth, he said he thought forty shillings: Jn^o Wood said hee sould the two sides for thirty six shillings, and M^r Wakeman said he heard it was sould at the price that other porke is sold. The Court considered of this miscariage, and declared by way of sentence that the Generall Courts Order be attended, that is that Jn^o Wood make threefold restitution to M^r Wakeman, the swine being reckoned at 36^s, w^{ch} is 5^l 8^s, and that he paye to the Treasurer for the Towne 10^s for his lying: /

M^r John Caffinch entereth an Action against Thomas French of Guilford for 17^s, w^{ch} he saith Thomas french owes him vpon an Agreement when the said John Caffinch lett Thomas French his house, land and cattell at Guilford. Thomas French ownes such an agreement, but saith he paide M^r Caffinch all was due to him, and this 17^s in rates at Guilford, w^{ch} was due from M^r Caffinch before he the said french hired his land and cattle, and he would not haue paide it but that he was constreyned thervnto: both w^{ch} are testefied by M^r Disbrowe and M^r Leete, Magistrats at Guilford: so that notwthstanding any thing that M^r Caffinch could say for himselfe, the Court could not but see that Thomas French had paide the money allready for M^r Caffinch, and was forced thervnto by the Authority of the place: so that M^r Caffinch for want of prooffe in his cause must fall in his suit, and paye to Thomas French 5^s charges for his coming heither and attending the Court, and for the action to the Treasurer 3^s 4^d: /

Richard Hull is to be warned to the next Court aboute his fence: and to give in security for Richard Beech for so much as his house and land is worth, w^{ch} was ingaged for the portions of y^e children of Andrew Hull.*

Jeremiah Osborne to be warned to the next Court aboute his fence: /

John Meggs his fence was complained of as defective, but here is none present to take care of; the Court ordered that the rent due for his house should be attached for security therof.

Thomas Munson hath sould to Robert Pigg his dwelling house and house lott and all the housing thervpon; as barne and shop & henhouse; garden & trees; and all his meddow on the

* Born 1606, died 1640, probably a younger brother of Richard. His widow had married Richard Beach.

other side the Harbour, betwixt the meddow of John Vincon and Goodman Hitchcocke: and 3 ac^rs of Land lying in the new feild by the Mill way, betwixt the Land of Jn^o Moss and Ephraim Penington: /

Lancelot Baker as was ordered last Court p^resented an Invoice of all Nicolas Bullines Estate that he knowes of to be here, w^{ch} comes to 6^l 4^s 3^d, prised by Thomas Kimberly, John Harriman and Richard Johnson: and said that ther is owing out of it to Jn^o Harriman 15^s, to William Andrewes 10^s, to himselfe 30^s; but John Harriman is paide by the peece of trucking cloth* and one paire of shooes; he was asked if he can prove his debt; he said yes, but he comes not to demand that, but the whole Estate, and to prove that he had right so to doe presented two Testimonies vpon oath: as followeth:

[52] James Beare testefied vpon oath taken before M^r John Evance the 17th of October, 1650, that Nicolas Bullin, Mariner, told him at the rivers mouth of Connecticote, when he arrived ther from Virginia, that he had given Order to Lancelot Baker, carpenter, to receive his chest and all his things he had at Newhaven, and said he had working Toolles of Goodman Bakers: and in particular said he had given the maid John Jackman brought from Barbadoes the cloth, but it was vpon condition if she would haue him, but if not she was not to haue the cloth: /

Thomas Dubbleday testefied vpon oath taken before M^r John Evanc the 17th of October, 1650, that Nicolas Bullin, Marriner, told him that he had given Goodman Baker order to take vp his chest at New haven and to keepe it till he came theither, & desired this deponent to speake to the said Baker to send him a paire of shooes and stockings, and moreouer he said he had toolles of Goodman Bakers, when he went out y^e voyadge.

The Court considering the Testimony Ordered that all the estate but the cloth and lace before in question (last Court) should be delivered to Goodman Baker, he giving a Receipt for the same; and that William Andrewes be paid his 10^s by Goodman Baker: but the cloth and lace to be delivered to y^e Treasurer to be kept as formerly Ordered: /

A note of that part of Robert Parsons Estate w^{ch} was in M^r Atwatters hand was presented in Court: and M^r Atwatter, y^e Treasurer, and Secretary were desired and appointed to see what

*Cloth to be used for truck or barter.

other Estate of his may be found, and to gitt a true Inventory of the same, and present it to the Court; and that they would also looke after the disposing of William Balles Estate; and after some tooles w^{ch} are in the hands of M^{rs} Gregson, of a mans w^{ch} dyed a great while agoe: /

AT A COURT HELD AT NEWHAVEN THE 6TH OF MAY 1651

Widdow Willmot* desired to know whether she should bring in to the Court an Inventory of the Estate her husband left, be cause ther was an Estate w^{ch} belonged to her sonn James Eaton, left him by his father, her former husband, and is now in this Estate, w^{ch} she thinkes he should have. She was told that a true and Just Inventory must be brought, so as she may take oath of it: and that it will be no hinderance to her sonns estate, but when the Court vnderstands the estate and how things are they will doe that is just: and vpon her desire and wth her consent the Court chose M^r Wakeman and Robert Johnson to prise the Estate.

Goodwife Martin informed the Court, that ther is due by bill to her husband from Thomas Baxter, now living at the munna-does, nine pounds and six penc, to be paide the last of May last past in good winter Beavo^r at 8^s per ^l, w^{ch} is not yett paid: and that she vnderstanding ther was some money due from M^r Evanc [53] to Thomas Baxter (aboute 14 or 15^l) desired an attachment might be laide vpon it, w^{ch} was done: and now she desires to know what she should doe, and how she should be satisfied, for the paye M^r Evanc is to make Thomas Baxter is not such as she should haue. The Court declared that they judg it just that Robert Martin should haue his 9^l and 6^d in beavo^r according to his bill, wth due allowance for forbearanc,† but if it be not paide in beavo^r, but in other paye, that then ther

*Elizabeth, widow of Benjamin Wilmot, whom she married about 1643, and who died in 1651. Her former husband was possibly a connection of Governor Eaton; though as her son after 1670 was more usually known by the name of Heaton, this may have been the original form of the name.

† Leave to delay payment.

be allowanc to make it as good, and that Thomas Baxter haue word sent him hereof: and in the meane time if Goodwife Martin haue present need of some part of it, she may take some of M^r Evanc, and vpon a retorne from Thomas Baxter the Court will give further Order aboute it if ther be cause: /

Henry Morrell for neglecting to bring in the birth of his child to the Secretary was fined 2^s:

William Bradly for neglecting to bring in the birth of his child to the Secretary was fined 2^s.

Thomas Meekes was warned to this Court to answer to John Sacket in something he hath against him, but appeared not; the Court looked vpon it as a neglect, and he is to answer for it: /

Jeremiah Osborn was complained of because his fenc is defective: he said it is now mended, but was told that the veiwers haue saide it is not sufficient, and he must appeare next Court wth the veiwers to testefie that it is sufficient, or else bring a note vnder ther hand to that purpose, w^{ch} he promised to doe: /

AT A GENERALL COURT FOR NEWHAVEN MAY 19TH 1651

Robert Talmage and James Byshop were admitted members of this Court and received the Free-mans charge.

Richard Miles and Francis Newman were chosen deputies to assist in the Jurisdiction Generall Court for the yeare ensuing.

M^r Gibbard, Richard Miles, Francis Newman and Henry Lindon* were chosen deputies for the perticular Court of New hauen for the yeare ensuing.

M^r Joshua Atwatter was chosen Treasurer for Newhaven for the yeare ensuing.

Francis Newman chosen Secretarie	} For the yeare ensuing: /
Thomas Kimberly chosen Marshall	

M^r Augar and John Harriman were chosen Collecto^rs for the Colledg Corne for the yeare ensuing: and the Collectors next before were desired to gather vp what is behinde in ther yeare, that these now chosen may not be troubled wth it: /

* Properly Lindall.

John Nash and William Pecke were chosen to veiwe and seale weights and yards or ell wands: and it is further Ordered that what weights or steel yards they finde to light, or not according to the Standard, that they keepe them till they be mended, and then seale them, but if they cannot be mended that they keepe them till further Order: /

William Fowler and John Winston were chosen veiwers for all liquid and dry measures: and it is further Ordered that no measures or weights be vsed till they be sealed: and that no measures be sealed till they bee dry and plated: and if any measures bee not just and they cannot mend them, they are not to seale them, nor deliver them to the owner, but keepe them in ther hand till further order: /

[54] The time appointed for veiwing of waights and measures is to be vpon the fourth day of the weeke come fortnight at the meeting house by eight a clock in the morning: /

It is Ordered that Thomas Nash shall keepe the Townes Mus-kits in his hand, and looke to them well, that they be allwayes in good order fitt for service, and the Towne to allow him what is just for his care & paines.

Those w^{ch} haue land at the plaines complained of some fence, w^{ch} belongs to a lott, w^{ch} was Abraham Smithes (but now resigned to the Towne). They were told that they w^{ch} haue corne in that feild must looke to the fence, or else leaue out the land, for the Towne would be at no charge aboute it: and for Phillip Leeke who hath that home Lot in vse, he was told that what it is worth more then maintayning the fence aboute it he must allow: w^{ch} he said he was willing to doe: /

The Court declared themselues vnwilling that Lawranc Turner, a man of an ill name and report should abide in the Towne, but desired hee might speedily be sent away: M^r Goodyeere said he is in his debt, and it may be some loss to him; yet rather then it should be prejudiciall to the Towne, he would gitt his debt as well as he can.

It was propounded and desired that those that haue skill that way would indeavo^r and vse meanes to kill woolves: particularly Richard Beckly was spoke to, and told that if he would sett himselfe to it, if that w^{ch} the Court hath already sett as a recompence (viz^d 15^s per head) be not sufficient, he maye assure

himselfe that the towne will justly consider him; hee promised to doe what he could, and desired that when any man hath any beast killed they would give him notice of it, for then is a fitt opportunity to kill them: and at the next towne meeting further consideration may be had about this matter: /

For the encouragment of M^r Janes in teaching scoole, the Court ordered that he should haue 10^l for this yeare, to be paide him out of the Towne Treasury, the yeare to beginne when he began to teach, w^{ch} was the _____, the rest he is to take of the parrents of the children that he teacheth, by the quarter, to make him vp a just recompence for his paines: /

The fenc and gates aboute the necke is to be made vp, and then y^e Necke driven, and those w^{ch} haue not attended Order to be fined as the order is: /

It was propounded that some course might be taken to cleere y^e necke of wood (viz^d) that every teame in y^e towne might be injoynd to fetch a certaine number of loades: w^{ch} the Court approved & desired it might be considered next Court: /

Allso that some may be appointed to lay rates in a fitt season. And that the land the Towne gaue to Joseph Pecke* out of the absent lotts, be disposed of: and the rent due since he left it be considered, if the towne should not haue it: /

[55] AT A GENERALL COURT HELD THE 16TH OF JUNE 1651

The Orders of the last Jurisdiction Generall Court were now read, and the Secretary for the time being is appointed to take notice of the markes and marking of horses according then made and now reade: /

And the Towne was advised, from the Generall Court, that they would be carefull that if at any time any man bring home horses or dry cattle to the Towne wth ther owne, they would turne them forth againe to the place or neere it where they had them that they lye not aboute the Towne to doe damage in corne feildes or meddowes or to be otherwayes prejudiciall to the

* Removed to Milford, 1650.

owners, and if any man attend not this course it will be taken as a neglect of the Generall Courts advice and the damage accordingly required: /

It was desired by some, that seeing the Captaine and Leiv-tenant are both gone,* there might be some new millitary officer chosen, but others desired it might be forborne for the p^rsent, and y^e present officers were desired to looke well to y^e trust that lyes vpon them: /

The Court granted to Edward Parker two acc^s of land in the first devisiion of M^r Newmans quarter, and 3 acc^s of meddow, both w^{ch} were granted formerly to Joseph Pecke out of M^r Lucas his lott; he to paye Joseph Pecke for the fence as he paide to y^e towne for it, and to haue it vpon the same termes Joseph Pecke had it: /

It was propounded that either a bridg might be made ouer the east river as they goe to Connecticote, or some other way found out, w^{ch} some say may be vpon a dilligent veiwe, w^{ch} the Court were willing to hearken vnto and appointed William Fouller, Richard Beckly & John Thomas to goe and veiwe and make their returne to the towne how they finde things, and they shall be paid by the Towne for ther paines: /

Serjant Andrewes informed the Towne that he hath some land w^{ch} lyes betwixt this and Connecticote, w^{ch} he formerly bought of an Indian, w^{ch} now y^e Indian desires to haue againe, and would paye him for it, but he thought good first to offer it to the Towne, who may haue it if they thinke good to pay him for it. Hee demanded 5^l: the Gouverner told the Towne that he thinkes it is not the townes way to lett the land returne to the Indians againe, and the Towne thought so too, and offered Serjant Andrewes 3^l for it: but that not satisfying, he was wished to show the Gouverner the wrighting of the purchase, and they will consider of it against another meeting, but not to lett the Indian haue it againe. Nathaniell Merriman said he also had some land ther in the same kinde, and was wished to doe the like, but not to lett the Indians haue it againe: for the Towne would doe what was just in both: /

* Owing to the death of Captain Nathaniel Turner and the absence of Lieutenant Robert Seely.

[56] AT A COURT HELD AT NEWHAVEN THE FIRST OF JULY 1651

William Willmot was complained of for neglecting to come to trayne at least 3 times: he said in regarde of his mothers weaknes, and because that they dwell at a farme, he thought he need not come; he was told that this Court cannot excuse him from trayning, but in regard of his mothers weaknes they so farr mittigate y^e fine as that he paye but 5^s for all that is past, but that he attend Traynings for time to come, vnless he be freed from it by the Towne: /

Lawrenc Turner was called before the Court and told that he hath long since bine warned to depart out of this Towne, and now required to know why he is not gone; he said he desired to stay but while his wife is deliuered (being now wth child); he was told it may not be granted vnless he can give security to the Courts satisfaction, both for his and his wives good behaviour, and also to saue the Towne from charge: otherwise he must not stay but speedily provide for himselfe elsewhere: /

A case formerly in question betwixt Robert Martin and Thomas Baxter of y^e Manadoes concerning a debt of 9^l 6^d w^{ch} the said Baxter owed to Robert Martin, and was to be paide aboue a yeere since in merchantable winter Beauour at 8^s a pound, was now desired to be issued, and M^r Evanc testifying in Court that he had given Thomas Baxter notice of it, and he promised to bring the beauour and paye the debt: but came not. Wherefore the Court ordered that Goodwife Martin haue so much of that w^{ch} is attached in M^r Evanc his hand as will paye the debt to just satisfaction, but because it is in ordinary wampom, wherein the Court wants light to know how to proportion it, they desired M^r Atwater and Ensigne Bryan now present to consider of it and afford what light they could in the case; they are to judg the differenc betwixt wampom of 6^s 3^d per fathom and such beau^r at 8^s per pound who after consideration returned this Answer that they judg ther would haue bine 12^d per pound gotten by the Beauour, for it is now worth 9^s per pound: and that ther will be 9^d a fathom lost by the wampom, to make it pass according to the order now made, w^{ch} will be about 22^s 6^d, w^{ch} the Court approued of: and Ordered that Goodwife Martin haue this allowed, and as much for forbearanc as will make it 3^l; so that she is to haue of M^r Evanc in ordinary wampom 12^l,

wth w^{ch} she was satisfied, seeing it could not be other wise, but said she had rather haue had her 9^l in beauour wth due forbearanc then this 12^l:

[57] Goodwife Holt complained of one Ositon a Connecticote Indian y^t he came into her house, when none but her boy was ther, went in to an inward roome, and stole a paire of new stockings w^{ch} cost her 5^s. The Indian hauing bine before the Gouverner for it, did deny it, but now Serjant Jeffery testified that yesterday he confessed it to him: and the Indian himselfe did now in Court againe confess he did steale them, and was sorrey for it. The Court Agreed and Ordered that because they know not our law of treble restitution, and that he hath now confessed the thing, and professed his sorrowe for it, that he be freed from corporall punishment, and onely paye to Goodwife Holt 5^s (she hauing her stockings againe) and to the marshall 12^d for his attendance on him: /

M^r Peirce was complained of for neglecting to trayne one whole day and another halfe day; for the first he said he intended a voyage to Long Island, but was told that before the afternoone exercise his voyage was given ouer at least for that day; then he might haue come; but to that and the latter halfe day he could give no satisfying Answer: wherfore the Court Ordered that he paye for these two halfe dayes neglect 5^s: /

M^r Ling who is intrusted for the creditors of M^r Westerhouse, informed the Court that Ensigne Bryan owes to M^r Westerhouse 7^l w^{ch} he desires may be paide him for the vse of the said creditors: Ensigne Bryan said that 5^l of it is attached, 4^l for Goodwife Fuller & 20^s for Geo: Pardy, and 40^s he let M^{ris} Westerhouse haue when she went away: M^r Ling replied that though the attachment be laid yet it is not condemned in Court, and therefore thinkes they should fall in wth other creditors. The Court now Ordered that Ensigne Bryan paye M^r Ling the 7^l and receive a discharge of him for it, and that Goodwife Fuller and George Pardy haue notice that they may prosecute the attachment, and show cause why they laide it: / Ensigne Bryan said M^r Augustine* requires this 7^l of him for M^r Westerhouse: he was told that M^r Augustine must first show cause why: and

* Augustine Heermans.

therefore the Court now attaches this 7^l in his hand: and M^r Bryan was wished to give M^r Augustine notice of it.

M^r Evanc and Thomas Kimberly said they did heare M^r Augustine give Ensigne Bryan order to pay this 7^l to M^r Westerhouse, and let him haue 10^l more if he needed it: /

M^r Goodyear Informed the Court that he had considered of the Inventorie of the Estate he received wth his wife, and is willing to give securitie for y^e portions of her Children, but he findes sundry things in the Inventory, w^{ch} he thinkes should bee considered and abated w^{ch} comes to 111^l: 15^s: w^{ch} the Court considered of and saw cause that it should be allowed, so that the Estate is (so much being deducted) one Thousand and ninety pounds seventeene shill: foure pence [58] and of that two thirds belongs to the children, w^{ch} is 727^l: 04: 11^d: of w^{ch} two thirds of the housing and land prised at 378:00:00 is to be p^t of their portions, w^{ch} is 252^l: 00^s: 00^d, so ther is 475^l: 04^s: 11^d: w^{ch} M^r Goodyear is to give securitie for, and for that he ingageth now before the Court both himselfe, and his house and home lott, wth all the buildings vpon it here at Towne, wth his farme let for 6 yeeres for 35^l a yeere and the inheritance after, and six cowes & foure oxen a negar and a mare vpon it, and forty ewes & twenty ewe lambes, and that third part of the housing and land, sometime belonging to M^r Lamberton, now his in right of his wife, the whole as before vallewed at 378^l: And he promiseth to support and maintayne all the housing and fences in due repaire, and not to alter the propertie of any of the things ingaged wthout the Courts consent: /

AT A GENERALL COURT FOR NEWHAVEN THE 4TH OF AUGUST 1651

The Gouverne^r Informed the Court the principall cause of this meetting is that the Towne would consider of the motion of the Treasurer who propounds for a new rate to be forthwth paid to discharge an old debt to the Jurisdiction of aboute 30^l: and to paye the new rate to the Jurisdiction due in October next, and the buisnes requires the more hast, because of the Commission^rs meeting here this yeare,* w^{ch} will be much charge and occasion

* The Commissioners of the United Colonies of New England were to meet here in September.

present disbursments. The Towne considered of what was propounded. And it was now ordered that a new rate be levyed: and p^d to y^e Treasurer, betwixt this and some time in September next, and those that were appointed to make the last rate March 10th 1650 are to perfect that and to make this: w^{ch} being made and perfected is to stand till August next, and rates to be p^d according thervnto as y^e townes occasions require.

And it is further Ordered that all men bring to those appointed in their severall quarters, a true note of their persons, lands, meddowe, cattell, houses, and other estate liable to rates betwixt this and this day sevensnight, vnder y^e penaltie of 2^s 6^d for neglect. Whoseuer shall bring in an imperfect note, that is but to omitt any part of that w^{ch} he ought to bring in, he shall paye double for what is omitted, but if any bring in a false note, willfully to deceive, it is left to the particular Court to judg and fine as they see cause. Those that hire cattell are to paye for them, but to haue it againe of the owners, if there be no other agreement. And the Committee are to meete vpon the fift day come sevensnight, w^{ch} will be the 14th of this month, at 4 a clocke in the afternoone at M^r Gilberts house, vpon the penaltie formerly ordered Nouem 29th 1649, and those that are behinde in there old rates were desired to bring them in to the Treasurer wthout delaye, else the marshall must speedily be sent forth, to take it by distress, w^{ch} is desired might be avoyded: /

[59] John Benham Informed the Court that when this plantation first began, he was by the Authority then settled here, sent forth to looke for Claye to make bricke, wherein he spent as much time as was worth twenty shillings, w^{ch} he thinkes the towne should allow him: diuers that were then here present, said he was so sent forth, and thereupon the towne were now willing hee should have Allowance, and therefore wished him to bring his Account to the Gouvernour, who is to order the Treasurer to paye him what he findes just: /

The 7 ac^{rs} of Land in oystershell feild, w^{ch} M^r Malbon rented from the Towne is disposed of: 3 ac^{rs} to M^r Rotherford, two ac^{rs} to Robert Talmage, and two Acca^{rs} to Jervice Boykine, vpon the same termes M^r Malbon had it:

William Blayden is to haue a peece of ground in oystershell feild lying in a hollow nere his house, w^{ch} some time M^r Gilbert had, he to gett it measured and paye for so much as ther is,

the same rent as others doe, there being no fence belonging to it: /

Vpon Ephraim Peningtons desire the Court granted to him a little Island lying in the east river, nere or ouer against M^r Chafinchs his meddow, provided that he doe not hinder any for setting weares for fishing there: /

It is Ordered that John Wood, nor any for Nehemiah Smith, medle no more to breake vp or any way Improue the land formerly granted for sheepe on the west side, the grant being voyde & the Land returned to the Townes vse and dispose: /

John Cooper was desired to see to the mending of the necke bridge & causway. Richard Miles and Robert Johnson promised to help, each a day, and appointed to doe it the 4th day come seuennight.

Those that were appointed to veiwe the way to Connecticote, returned answer that they finde the way difficult, and not like to answer the end intended. Wherefore William Andrewes was desired to make a bridge ouer the east riuer, as he formerly and now propounded, w^{ch} he said might be done to serue a yeare or two for aboute 3^l, that a man might leade a horse ouer safely: the place where to sett it and manner how to build it they left to him, onely desired it might be safely done before the Commission^rs come: And also that he would take care that a tree w^{ch} lyes in a little riuer or swampe aboute 3 miles beyonde the East river may be cutt out and the way mended, w^{ch} by reason therof at present is very bad.

It is Ordered that the way where men vse to ride ouer at Dragon Pointe* shall be staked out, wth stakes w^{ch} may be a guide to men where and when to pass ouer: and M^r Tuttill, Francis Browne and William Paine are appointed to doe it at y^e townes charge: on of the Lighter men is desired to be there to direct them so as y^e stakes maye be no prejudice to the passage of the Lighter:

It is Ordered that the Treasurer take care and see that widdow Potter the midwives house† be mended, and paid for out of the Treasury:

* The sandy point at the South end of Fair Haven (or Dragon); said to be so called as being frequented by seals.

† Elizabeth, widow of John Potter, who died in 1643. Her house was on the southwest corner of George and State streets.

[60] AT A COURT HELD AT NEWHAVEN THE 5TH OF AUGUST, 1651

Lawranc Turner was called before the Court and demanded why he is not gone out of this Towne: he said he did intend to goe, and had gott passage, but when the Master of y^e vessell saw his wife, he would not cary her, and some women advised him not to remoue her in the condition she is in. He was told he hath had warning long agoe, before his wife was so neere her time; his neglect therfore proceedes from contempt, neither taking warning from the Gouvernour nor the Court: besides he hath cast asspeircions vpon the Court at Milford, as if they proceeded against him wthout prooffe; and though he was punished yet hee justified himselfe as innocent; for these miscariages the Court committed him to prison: yet vpon his desire he had libertie to goe aboute Towne to gett bale: and in the issue procured Thomas Jeffery who ingageth himselfe to y^e Court in a bond of 5^l that Lawranc Turner and his wife shall bee gon out of this Towne wthin six weekes after this time: And he now acknowledged the Court at Milford did justly proceed against him, & he is sorey for speaking as he did: /

Robert Seely hath giuen to his sonn Nathaniell Seely his dwelling house wth his orchyard belonging thervnto, lying on the west side of the west creeke; and 12 ac^{rs} of vpland and meddow adjoyning thervnto; and his meddow vpon the East side of the harbour, being 10 ac^{rs} more or less, lying next the meddow of M^r Hickcockes, w^{ch} meddow was his first alotment from the Towne; and his second devison of vpland on the west side, being 43 ac^{rs} or thereabouts, wth the commonadge therto belonging: /

Nathaniell Seely passeth ouer to Peter Mallary the foresaid house, orchyard & land in all respects & particulars: /

Samuell Whithead passeth ouer to John Winston that house w^{ch} was John Clarkes and part of that home lott, conteyning $\frac{3}{4}$ of an ac^r more or less, lying betwixt Samuell Whitheads lott and Luke Adkinsons: /*

Christopher Todd was complained of for absenc at Trayning halfe a day: M^r Atwatter said that he had occasion to send some corne aboard a vessell and gott Goodman Todd to cary it. The

* These lots were on Meadow street, next George.

Court ordered that M^r Atwatter paye for that halfe day Goodman Todd was absent 2^s 6^d:/

Henry Line was complained of for absenc at a Trayning, but gaue such answer to the Court as they past it by wthout a fine.

Jonas Wood enters an Action of debt and damages against Thomas Lawrenc* for forty pounds; and declareth that hee sould Thomas Lawranc at Flushing Cattell to the vallew [61] of fifty pounds, 25^l whereof he hath received, though not so soone nor in that manner as he should haue done, yet he takes it as paide; but the other 25^l w^{ch} should haue bine paide in March last is vnpaide; and the making of two journyes and forbearanc of his money and other charges, he supposeth will amount to 40^l: and to proue the debt presented a bill vnder Thomas Lawrances hand, wherein it appeares that Thomas Lawrance is bound to paye to Jonas Wood 25^l in March last:/

Thomas Lawranc acknowledged the bill, and that he owed Jonas Wood 25^l, but said that he did tender wherewthall to paye y^e debt, though not in wampom as he was bound to doe, yet in other paye, as cattell, tobaco, and some wampom, but the agent of Jonas Wood would not receive it, and quickly after that the said 25^l was attached in his hand by Capt Vnderhill by the order (as he saith) of the Duch Gouverner, for some thing they haue against Jonas Wood, so that he be forced to paye Jonas Wood here, he is like to paye it twice. Jonas Wood replied that he knowes no ground or reason of any such attachment, & therfore thinkes that Thomas Lawranc should bring that vnder the Duch Gouverners hand; w^{ch} may show to this Court that y^e Attachment is just, and the cause thereof, or else that he may haue his debt now of Thomas Lawrance:/

Thomas Lawrance presented sundrie wrightings, w^{ch} showed that hee did make a tender of payement to Jonas Woods Attorney at Flushing, but not the full nor such paye as his bill bound him to, also vnder Capt. Vnderhills hand w^{ch} saith the Attachment is just and legall and by Order from the Duch Gouverner, but no cause shoven, or ground giuen why the attachment was laide; wth w^{ch} the Court could not bee satisfyed, and told Thomas

* The plaintiff was of Southampton, Long Island; the defendant of Flushing, and later of Newtown, Long Island, but apparently owned estate in New Haven.

Lawranc, that though he tendered other paye, yet that doth not help him in the debt, for his bill bound him to paye such paye as well as so much: /

Jonas Wood said had Thomas Lawranc p^d him at this time in the paye he was bound to doe, this attachment had bine prevented w^{ch} is like to put him to great trouble & loss: And Thomas Lawranc replyed that had Jonas Woods Atturney accepted of the paye he tendered, it had bine prevented also; but was told that he doth not proue that he tendered the full somme, but parte of it, and scarce any in the paye he was to paye it in.

The Gouverner told Thomas Lawrance that he comes altogether vnprovided to cleere his case, for though when he was arested he was told he must bring something vnder the Duch Gouverners hand w^{ch} may cleere the Attachment to be just, and hee promised to doe it, yet now comes wthout anything w^{ch} can give the Court satisfaction therein: Therefore the Court cannot tell how to help him, but he must either paye the debt, or put in securitie to doe it: /

[62] Thomas Lawrance said if Jonas Wood will secure him from the attachment laide vpon his Estate by Capt. Vnderhill in Aprill last, he will paye him the money wth just damages in a short time, aboute a weeke or thereabout, if he may haue libbertie to goe home to make money of what he hath: The Court wished Jonas Wood to consider of it, who answered that he should accept the motion, so that Thomas Lawrance put in security for the debt and just charges, and for y^e forbearanc, he is willing to pass it by, provided that if any difference yet arise betwixt Thomas Lawranc & him aboute this matter, it may be heard and issued by this Court or the Court of Magistrats for this Jurisdiction, to w^{ch} Thomas Lawranc willingly agreed, but would haue had him take his owne securitye till he went home; but Jonas Wood refused.

Jonas Wood was asked what he demanded for charges; he said his charges hath bine greate; two voyages he hath made from Long Island heither, beside Court charges, and now a boate waites vpon him, beside the loss of his owne time & occasions at home, he thought it might be 10^l loss to him, but in the issue they agreed for 6^l 10^s, w^{ch} the Court, considering the time & charges, thought was moderate. The Court told Thomas Lawrance, that either he must paye the money now, w^{ch} is wth the

debt and charges 31^l 10^s, or giue securitie for it to Jonas Woods satisfaction, or else his person must abide here, for though they pittie his case yet they cannot help it, because Justice requires it; and so left Thom Lawrance in the Marshalls hand, to gett securitie for himselfe as he could. After w^{ch} Thomas Jeffery of New haven became his securitie, so as was to Jonas Wood's satisfaction, and ingaged a house and land at Southold for 15^l 10^s, and 16^l in corne and wampom at price currant, to be p^d betwixt this and the last of October next, provided that if Thomas Lawrance or any for him proue the attachment to be made by the Duch Gouverners order, wth the cause or ground of it, at y^e Court of Magistrats at Newhauen, the 15th of October next, the said Court will take the case into due consideration, and as they finde cause make voyde the whole ingagement of 31^l 10^s, or any parte of it, or confirme it, all w^{ch} may appeare more fully in a bill from Thomas Jeffery to Jonas Wood, bearing date August the 6th 1651: /

[63] AT A COURT HELD AT NEWHAVEN THE 2D OF SEPTEMR 1651.

M^r Robert Fenn,* Master of the Shipp Fellowship, complained of Edwa: his Carpenter, that allthoug he bee bound to him by Covenant for this p^rsent voyage, yet he refuseth to doe his service in the shipp, & staide on shoare 4 or 5 dayes; though he intreated him to goe aboard, he would not, and at last told him plainly he would not goe. The Carpenter said M^r Fenn did abuse him in strikeing of him, and hee would not serue such a man: M^r Fenn said when he did giue him that answer that he would not goe, he told him if he would not goe by faire meanes he must by foule, and he did strike him wth a small rattoone† he had in his hand. The carpent^r further said M^r Fenn was ingaged to paye for him 5^l to M^r Browne of Salem, w^{ch} he hath not done; therefore he lookes vpon himselfe as free. M^r Fenn replied he had taken order wth M^r Lake of Boston to paye it, and declared it to y^e carpenter, and he was satisfied, to w^{ch} Ralph Loynes can speake something. Ralph Loynes being called, said that he heard M^r

* Of Boston and Salem, Mass.

† Rattan.

Fenn and y^e carpenter speaking together of the thing in question, and M^r Fenn told the carpenter what order he had taken wth M^r Lake to paye the 5^l & he vnderstood that the carpenter was satisfied wth what M^r Fenn told him. The carpenter said M^r Browne will take no mans paye but his, and his goods is in danger of being seized upon for y^e money, and so he shall suffer by it. The Court told him that they will take care that he shall not suffer, and therfore wished him to goe aboard the shipp and doe his duty in his place. M^r Fenn saide he hath caried away his cloathes and his tooles, as if he intended to make an escape & get away: The Court asked him where his cloathes and tooles are; he said he had sould his cloathes, and most of his tooles, by w^{ch} it appeared he did not intend to goe the voyage according to his agreement wth M^r Fenn, but makes all this stirr to wring himselfe out from it. Wherefore the Court told him that he must either goe aboard and doe his service in his place, or else put in good securitie to provide M^r Fenn another man to his satisfaction to goe y^e voyage, or must goe to prison. Therfore wished him to consider what will be for his owne good: for the 5^l he shall not suffer for want of payment, and M^r Fenn now promiseth, that if damage come to y^e carpenter for none payment of that 5^l, he will make it good, yet notwthstanding he was stubborne and gaue vncomely Answers and would not promise to goe the voyage & doe his service, wherefore the Court committed him to prison, till the Gouverner should see cause to release him: /

Mathias Hitchcocke, being formerly (at a Court Nouem^r 6th 1649) fined 5^s for neglecting his watch, desired y^e Court to remitt y^e fine. The Court notwthstanding all that is said sees cause to justifie his being fined, yet now vpon his submission and promise to be more obedient for time to come they were content to abate halfe the fine: so he is to paye but 2^s 6^d: /

[64] Serjant Fowler informed the Court, that the last Lords day at night was so tempestious by winde & raine that y^e watch could not be caried on, so that watch was to watch the night following, but Mathew Camfeilds man, who is one of them, refused, and would not watch because his turn to watch was the night before, but Mathew Camfeild nor his man being p^rsent, it was respitted till the next Court: /

Richard Haughton enters an Action of slander against Goodwife Coop^r, and declareth, that he liuing the Bay, and knowing a brother and sister of Goodman Coop^r there, came to Goodman Coop^{rs} house to bring them word of their wellfare: Goodwife Coop^r wished him to sitt downe, and fell into discourse wth him, concerning the hands w^{ch} were to a letter for the calling of M^r Dauenport to Boston:* she asked him what manner of men they were, or to that purpose; hee answered they were tradesmen, some carpenters, some sea-men, and men of other trades: she answered will they send vp sea-mens hands, they will drinke hard; he answered, he knew none of that condition that haue sent their hands, but there are a sort of sea-men who come into the Bay sometime will drinke more then is fitt, and are punished for it. But Goodwife Coop^r hath reported that he said they were drunkards w^{ch} sett their hands to that Letter, w^{ch} he never said; but they are honest men, and of the Church, and his Louing Freinds.

Goodwife Coop^r answered, that he doth not declare the thing as it was, but thus it was; he came to her house, and told her he came from Boston, and that her brother and sister remembred their loue to her and her husband; she prayed him to sitt downe; she went and fetched something for him to eate; he was speaking concerning Delaware Bay, and said they wondered in the Bay that this place is so slow in their proceedings concerning it: she said to him that a letter is sent into the Bay aboute it: he said he heard since he came into the Towne that M^r Dauenport goes to Boston and that they went to gather hands to a letter to send for him, and would haue had his but he refused, but they did take the hands of drunkards or any; she replied to him, alass will they take such: /

Richard Haughton was asked what prooffe he hath that Goodwife Coop^r hath reported this in a way of slander; he said he heard she had so said, but had no prooffe ready to cleere it. Wherefore it was respitted till the next Court: /

Luke Adkinson is to be warned to the next Court aboute defect of Armes: /

* The Second (or North) Church in Boston was gathered in 1649, and in 1651 the Rev. John Davenport was called, without success, to the pastorate.

[65] Lawrance Turner hath libertie to staye in the Towne till the next Court, provided that Thomas Jeffery, his securitie, come to the Gouverner or y^e Secretarie, and promise to continew his ingagement for his departure, till Lawrance Turner bee either gone, or the Court free Thomas Jeffery: /

M^r Robert Newman hath sould and now passeth ouer to William Potter his Farme house & Barne, and all his vpland therto belonging, both that w^{ch} is fenced and that w^{ch} lyes common, and all his meddow except tenn ac^rs, w^{ch} is part of a peece of 22 ac^rs w^{ch} lyes aboute the great creeke southward
 ; and William Potter is to haue y^e other 12 ac^rs of that peece northward next M^r Gilberts high way: and 14 ac^rs belowe y^e creeke next y^e vpland: /

AT A COURT HELD AT NEWHAVEN THE 7TH OF OCTOBER, 1651.

William Potter was complained of for neglecting to trayne one day, and for neglecting to show his Armes, and for neglecting to bring in a note of his estate to them appointed to laye y^e rates in March last: hee said for the trayning he can say littell to excuse himselfe, though indeed hee did not know the day, but that was his fault: for his Armes hee had all but a sword: and for the not bringing in a note of his estate, hee can say nothing. The sentence of y^e Court is, that William Potter paye five shillings for neglecting to trayne, and 5^s for not showing Armes and for want of a sword, and a note vnder some of the Military officers hands that his Armes are now compleate, and for not bringing a note of his estate to paye 2^s, 6^d: /

M^r Robert Newman p^rsented to y^e Court an Acc^{ot} of M^{ris} Wilkes estate left wth him: w^{ch} the Court received and ordered it to be entered in the booke of Wills and Inventories: /

Luke Atkinson for late coming to trayne two dayes was fined 12^d a time w^{ch} is 2^s; and for want of powder and shott one veiwing day was fined 5^s: /

Mathew Camfeilds man appeared aboute his refusing to watch (complained of last Court); hee confest his fault, and saide hee did not know the order, but thought that because his night was the night before, he might haue bine excused. The Court

left it wth the Gouverner to speake wth the Serjant and doe as hee shall see cause in the case: /

M^r Joshua Atwater of New haven entered an Action of the Case against Benjamine Fenn of Milford, for a mare, w^{ch} he saide Benjamin Fenn tooke vp of his, let her blood and kept a while, but after turned her out, and y^e mare was found deade. After M^r Atwater had opened his Case, Benja: Fenn answered; and so answered that he tooke of M^r Atwaters plea: that in y^e issue M^r Atwater suffered himselfe to be non-suited, and was content to beare his owne charges and to give vnto Benja: Fenn towards his charges 20^s wth w^{ch} Benja: Fenn said (for peace sake) hee was satisfied: /

[66] William Pecke desired the Court would take some course that the house hee is in of Robert Persons may bee repaired. The Court refferred it to the 4 deputies, to consider and call in what workemen they see cause, that what repaire is necessary may be done, also to consider what hath bine laid forth vpon it and how the house may bee disposed of: /

—— How, the daughter of Capt. How, was called before the Court (her mother being p^rsent) and told that she is complained of for a prophane swearer; not onely as she is a Christian, and by her soule, but by the Holy name of God: wth other stubborne miscariages to her mother, and in a prophane wicked way speaking of the scriptures, saying it was not worth the reading, or to that purpose. She was asked what she said to the charge, and wished to owne her sinn and show her repentance for it. She boldly refused and said she desired it might bee proved. She was told by such wayes she will but make her punishment more heavy:

M^{ris} How said that her daughter hath learned some of this ill cariage at Goodwife Wickams, where she went to scoole. She was told that the Court will inquire after that, for they will not suffer any to be instruments of corrupting children if they know it, specially such as keepe scoole: /

—— Seward, the wife of William Seward, testified upon oath that she is certaine she heard How sweare by God; and as she was a Christian was common, and by the bottom of her soule, and that she saw her looking in a bible, and turned ouer a leafe, and said it was not worth reading, and one time

when her mother called her she said, a pockes of y^e devill what lackes this woman.

Rebecka Rose, the wife of Robert Rose, testified vpon oath that she heard How sweare by God, and as she is a Christian, and by her faith, and by her soule, and that she saw her turne ouer a leafe of the bible, and said it was not worth reading, and one time her mother called her and she said, a pockes of y^e devill what ayles this madd woman.

The Court vpon consideration of what is testified, ordered that for her swearing she pay tenn shillings, and for her cursing speeches, and rebellion to her Mother, and prophane speeches of the scriptures, tending to Blasphemy, the she bee corrected publicly by whipping, suitable to her yeeres, and if this be not a warning but that she goe on in these courses, it will come to a higher censure:

William Bunill declareth that while he was gone for England, his wife and her father put forth his sonn to Nic^o Elsy and his daughter to Sam: Whithead, to prentice wthout his consent, w^{ch} when hee came he disallowed of; onely was willing they should keepe [67] them a while, but now desires that he may haue them againe for his help:

Nicolas Elsy said that the Grandfather of the boy came to him, and desired him to take him, and he did. Goodman Willmot, the Grandfather of the boy was asked the ground therof; hee said his sonn Bunill was in the Bay, and was a charge to the country there, after went to England, left his wife and children but no meanes to maintayne them: after hee was gone shee & her children came vp heither to him, but hee was not able to keepe them: therfore they did advise together, and agreed to put forth the children, and did put the boy to Nic^o Elsy:

Samuel Whithead said for the girle he sought her not; but Goodwife Bunill came to his house, declared her condition, w^{ch} was to be pittied, hauing diuers small children and no meanes to maintayne them, and desired him to take her daughter, w^{ch} they did vpon the termes they agreed. Goodwife Bunill was asked what direction her husband left for providing for the children; she said he left little or nothing to maintayne them, and she asked him what she should doe wth them; hee said they were hers as well as his, and he left them wth her. And the boy saith he remembers his father did say so to his mother:

William Pecke said that his wife heard Goodman Bunill say after hee came here from England, that he was well satisfied wth the children where they were; and Luke Atkinson said he heard Goodman Bunill say he was well satisfied in y^e placing of y^e children. Goodman Bunill said hee ment for the present, a yeere or two, or so. Goodman Bunill was told hee must not thinke that they will take children small and keepe them till now and let him haue them againe, but he must allow what is just for keeping them; w^{ch} he is not able to doe, and the case was such it seemes that if they had not placed them, the Magistrate must haue taken care to dispose of them. Wherefore, all things considered, the Court cannot but confirme the placing of them: but if they finde the time too longe, they will consider that some of it be abated, or some thing allowed to them: /

AT A GENERALL COURT FOR NEWHAVEN THE 8TH OF OCTOBER, 1651.

Vpon a question betwixt George Pardy & William Paine aboute keeping of the Ferry, it was put to the Court to determine: who by vote declared that Geo: Pardy keepe the Ferry and diligently attend it till the Court see cause to consider it againe: /

It was desired that men would looke to their fences in time and see that they bee sett in good repaire before winter, that corne be not spoyled in the frost when men cannot digg to repaire them:

[68] The Towne was informed that Goodman Basset is willing to come againe, if he might haue encouragment. Vpon consideration of his vsefullnes here,* it was voted y^t he should be sent for backe againe, and the Towne will beare his charges backe: /

It is Ordered that for the makeing or mending any publique gates or fences, w^{ch} belonge to any quarter, if men cannot be otherwise gott to doe it, the Magistrate shall press men to the worke, other ingagments to cease for that time, but to returne vpon them againe when the worke is ouer: if fitt men be in the quarter where the worke is to be done, they are to be taken; if not, then fitt men elsewhere: /

* John Basset had been a master-carpenter here.

Vpon consideration of 7 ac's of land w^{ch} lyes in the oystershell feild in the Townes hand, left for a shooting place for y^e Trayne band, w^{ch} hath no fence laide out to it, the Towne agreed to paye for the makeing of y^e gate next the hey place and for the maintayning of it from time to time :

Nathaniel Merriman desired that he might haue his parte of M^{rs} Eldreds lott* laide out, and that it might be on the further side: John Moss & Isacke Whitheade desired that they might haue the other two parts: and that they might agree aboute the layeing it out. The Court refferred the consideration of this matter to Richard Miles and Francis Newman to order aboute it as they shall see cause: /

M^r Janes informed the Towne that he is offered a considerable maintaynance to goe to Wethersfeild to teach scoole, yet if the Towne will settle that 10^l a yeare vpon him formerly ordered, he is willing to staye here in the worke hee is. Wherevpon it was voted that for 3 yeares he haue 10^l a year as formerly ordered, and vpon y^e same termes as before:

Vpon William Tompsons desire the Court freed him from Trayning because he is lame: /

Henry Morrell also desired the same freedom, alleadging that hee is lame in one of his armes; but the court not being satisfied therein refferred it to y^e millitary officers to judg before the Company next Trayning day: /

It is Ordered that Thomas Beamond & William Johnson should haue that part of M^r Lucas his home lott,† w^{ch} was reserved for Joseph Pecke, equally devided betwixt them: /

It is ordered that where the fence of any house lott lyes next a common feild, it shall be preserved, maintayned and veiued as other outside fences are:

For the running of Milford line, John Brocket is chosen in stead of Leiutennant Seely: and M^r Wakeman in stead of M^r Crane: and John Nash added to y^e Committee: /

[69] It was propounded that some course may be taken to p^rvent the damage that hoggs doe in meddowes, and that hoggs may bee stinted: after much debate of the matter the Court

* See N. H. Colonial Records, i, 94.

† On the northwest corner of College and Elm streets.

voted that men should be stinted in keeping swine, and something done to prevent damage in meddowes, but for the manner of doing it they left it to the Committee following to consider and and prepare it against another Court: Francis Newman, M^r Ling, William Judson, Thomas Powell, John Wakeman, Richard Miles, Henry Lindon, Christopher Todd, Sam: Whitheade, William Tompson, and Francis Browne: /

It was propounded that the oxe pasture might be planted or so much of it as men can conveniently take in, and that they might plant it a certaine number of yeeres, and then returne it to the Towne againe: others desired that it might be laide out in proprieties, that every man may know his owne. Much debate was aboute it, and in the issue it was voted that John Brocket take a plott of it, that it may be knowne how it lyes, and how much is of it, and then the towne will consider of it againe: /

Richard Beckly and William Fowler had libbertie to sett gunns to kill wolues; and if by accident they kill any swine the owner of the swine is to have them, but the Towne to paye the damag; provided that they watch their gunns till day light shutt in and take them vp in the morning by breake of day; none else to sett gunns but vpon their owne perill, vnless they haue order from the Gouverner to doe it. Serjant Beckly hath also libbertie to make a pitt to catch wolues: and for every wolfe he brings into the towne alieu, he is to haue 30^s. This Order to stand till the next winter, vnless the Court see cause to the contrary.

AT A GENERALL COURT FOR NEWHAVEN THE 29TH OF OCTOBER, 1651

The Gouverner acquainted the Court that John Brocket hath taken a plott of the oxe pasture, w^{ch} was now shewed to the Court, wherein it appeares that their is 460 ac^rs;* but it is conceived that 60 ac^ris will be taken vp in high wayes. It was propounded by some that it might bee planted for a certaine number of yeares, w^{ch} might sufficiently recompence the planters, and then laide downe for the townes vse againe: others desired it might be laide out in proprieties; but in the issue it was

* Between Prospect street and Beaver Park.

desired that those that would plant would giue in their names and how much they would plant. They are to haue it 4 yeares, but to breake vp and plant it the first yeere, that their neighbours w^{ch} plant wth them be not damnified [70] by their not planting. Wherevpon sundrie did give in their names, w^{ch} came to aboute 58 ac^{rs}, and others were desired to bring into the Secretary betwixt this and the second day at night next; and the 4 deputies are to veiue it vpon the 6th day next at 3 a clocke, and those that intende to plant may goe wth them if they please. And when the buisnes is better prepared the Towne may meet againe and consider of it: /

It is Ordered that the Ferry house is to be repaired at the townes charge; and then the Ferryman is to keepe it so, and so leaue it when he leaues the Ferry.

M^r Gibbard had libbertie to cut out for his owne vse a chesnut tree, he falled in the oxe pasture for y^e townes vse when he fenced the prison yard.

The Court Ordered that the Committee for receiving planters into the Towne shall bee the Magistrates, Elders, and Deacons; as it formerly was, as appeares in y^e towne records fo: 122.*

M^r Janes desired to know of the towne if they would not give him libbertie to goe to Wethersfeild to accept of the proffer made him to teach scoole, for he heares there is another coming heither; and here will not be imployment for both. Vpon this motion he had (by vote) libertie given him to goe, yet so as they desired hee would stay if he see good.

The Secretary was desired to speake wth M^r Goodyeere to vse some meanes to bring the scoole master heither, who they heare is coming but wants transportation: /

AT A COURT HELD AT NEWHAVEN THE 4TH OF NOVEMBR, 1651

Tho: Powel plant—	}	Before the Action were entered the Court perswaded them to issue the difference betwixt them by arbytration: M ^r Powell said hee had desired it, and offerred M ^r Gibbard so to doe, but he refused: M ^r
William Gibbard defend ^t		

* N. H. Colonial Records, i, 201.

Gibbard now said that he is willing to attend the Courts advice, but M^r Powell said he now desired it might bee issued by the Court, that hee may haue no more trouble aboute it. Wherevpon he entered his Action and declared that hee had his corne much eaten and spoyled; to him it was cleere that it was done by hoggs, and hee neuer tooke other cattell vpon it but hoggs: nor no other hoggs but M^r Gibbards. Hee desired John Benham and Thomas Johnson to veiwe it, who judged the damage ten shillings; when they came to veiwe it they found M^r Gibbards hoggs there, 8 of them, and droue them home as hee had done once before, and demanded 12^d a peece for poundage w^{ch} hee app^rhended to be y^e order at that time. [71] And hee apprehended M^r Gibbard yeilded to paye it, because when hee said, men should bee paide for their time they spent in such cases, M^r Gibbard said he thought the fine was sufficient, and also that day tooke Goodman Cooper to veiwe the fence, w^{ch} made him thinke that M^r Gibbard thought it was his due to paye: but since hee hath refused to paye both damage and poundage: /

M^r Gibbard said he supposed it will be granted that this was after swine had libbertie to goe abroad: M^r Powell said yes. M^r Gibbard said then he supposeth that that order for 12^d a peece poundage was not in force, therefore hee thinketh M^r Powells demand was vnjust and hee had cause to refuse, but for the damage he neuer refused to paye what was just; and one of them that veiued it told him voluntarily that hee apprehended the greatest hurt in the corne was done by cattell. Wherevpon the veiwers were called to speake:

John Benham said they looked vpon the corne and judged the damage tenn shillings: but he did not well observe whether it were by hoggs or cattell, but remembers that it was not rooted by hoggs: /

Thomas Johnson said that M^r Powell intreated Goodman Benham and him to prize some rye was eaten; their was aboute 3 ac^s of it; they judged the damage 10^s, but cannot say what did the damage, but hee thought it was generally done wth cattell and hee thought hee got them to veiwe it in refference to cattell as well as hoggs: and hee saw Goodman Ponderons cattell vpon it and told M^r Powell of it. The veiwers were ready if called to testifie what they said vpon oath: but both parties being satisfied in their testimony it was spared.

The Court considering the different apprehensions of plant and defendt aboute the order (M^r Powell thinking the poundage to be 12^d: M^r Gibbard not so, if any thing) caused the Orders to bee read, both that when the fine of 12^d was sett, and that when hoggs had libbertie to goe abroad, and a latter Order reducing the fine to 6^d; but nothing in them did expressly appeare to cleare the case, Whether the fine of 12^d was taken of when hoggs had libbertie; if so, then what fine they were vnder till the Order reducing them to 6^d; or whether they were not at libbertie wthout any fine during that time. The thing was darke to the Court; therefore they left y^t part till the Towne meetes that they may declare their minds herein; but for the damage they judge the veiwers speake true, and 10^s damage was done, yett they cannot say it was done by hoggs; the one observed not, the other thinkes most by cattell: therfore y^e Court orders that M^r Gibbard paye M^r Powel for damage 5^s; and y^t he paye y^e charges of y^e action beside: /

[72] John Benham acquainted the Court that hee tooke forth an attachment vpon some goods of John Woods for some money he owed him: but Anthony Waters hath paide his debt, so that now the attachment falles.

M^r Crane enters an Action against Jeremiah Watts for 16^s 8^d, w^{ch} hee hath attached in the hands of Edward Parker. Edwa: Parker said that when Jeremiah Watts went away he said M^r Crane owed him 20^s: and hee hath writt to Jeremiah aboute it; therfore desires that the action may bee staide till y^e next Court, w^{ch} was granted: /

M^r Ling complained of Allen Ball, Henry Gibbens, & George Bankes for absence one Trayning day; but it appeared they were then aboute some vrgent occasions for M^r Dauenport vpon w^{ch} ground the Court past it by:

Allen Ball was complained of for not showing armes; he said his gun fell suddenly downe, and broke the stocke, and it was then amending, but now it is mended and hee hath all things compleat: Vpon ground the Court past it by: / Hee was complained of for late coming on Trayning day in the afternoone: he said he was aboute some earnest occasions for M^r Dauenport, that hee had not time before he came to eate his dinner; vpon w^{ch} ground y^e Court past it by:

John Benham was complained of because he and his sonn were absent one Trayning day: he said his sonn was faine to goe to Paugaset* to cary a man some victualls w^{ch} staide there y^e Saboth to looke to the corne they were gathering, and they had not victualls inough to leave him on the last day when they came home; for himselfe hee was ingaged to send some bricke by water and y^e boate was to goe away that day, that hee was faine to goe cary them to y^e vessell, and it was the afternoone before hee had done. He was told he should then haue come. Hee said he was wett, and he thought he should bee of no use after the body was sett, therfore came not. For his sonn y^e Court past it by: & for himselfe, because hee came not in the afternoone as hee might, hee is to paye a third parte of y^e fine w^{ch} is 20^d:/

Concerning the will of John Bishop late of Newhaven deceased, Widdow Beecher testifieth vpon oath that to her apprehension hee had his vnderstanding and sences fitt to make a will: and gaue to M^r Hooke an ac^r of Indian corne, a holland shirt, and a demy castor;† to Richard Sperry a cloath suit & a cloath coate; and to Edward Camp, Ralph Loynes & Robert Meaker all the rest of his estate.

Goodwife Camp testifieth vpon oath that John Bishop to her apprehension was of good vnderstanding, fitt to make a will, and did give vnto M^r Hooke one ac^r of Indian corne, a holland shirt, and a demy castor; to Richard Sperry a cloath suit and a cloath coate; and to Edward Camp, Ralph Loynes, and Robert Meaker all y^e rest of his Estate:/

Hanah Fuller presented to y^e Court an Inventory of her husbands‡ Estate, amount to and testified vpon oath that to her best light and knowledg it is a true inventory: it was in part prised by Francis Browne and James Russell, and so farr as they went by them testified vpon oath that they truly [73] prised it, according to their best light; the other part were prised by Theophilus Higginson and Phillip Leeke; Theophilus Higginson is gon, and Phillip Leeke hath forgotten many things & the originall copie being lost, he cannot now cleerly attest the apprizment vpon oath:/

* Derby.

† A hat made of inferior fur.

‡ Lancelot Fuller.

George Bankes and Joseph Waters to appeare at the next Court aboute their neglecting the watch, vnless the fine be pd in y^e meanetime.

M^r Goodyers man was complained of for want of worme and scouerrer & 2^l bullitts. M^r Goodyer knew not what to say to it, wherfore it is respited: /

Edward Watson was complained of for not trayning one day, but it appearing it was vpon some vrgent occasions for Goodwife Walker,* w^{ch} yet would not free him from the fine; yet considering the weake and helpless state of the woman the Court for this time past it by: /

AT A GENERALL COURT FOR NEWHAVEN THE 14TH OF
NOVEMBER, 1651

The Gouverner acquainted the Court that now the Scoole master† is come, and some course must be taken to provide for his lodging and dyet, and to reparaire the Scoole house, and consider what the Towne will allow him a yeere, and what his worke shall bee; therefore it is necessary a Committee should bee chosen to treat wth him. The Court considered of the motion, and chose the Ruling Elder, the 4 Deputies, and the Treasurer, as a Committee to treat with him & provide for him; and declared that they are willing to allow him 30^l a yeare out of the Treasury, or any greater somme as they can agree, not exceeding 40^l; and that his worke should be to perfect male children in y^e English, after they can reade in their Testamt or Bible, & to learne them to wright, & so bring them on to Latin as they are capeable & desire to proceede therein: /

The Gouverner also acquainted the Court that ther is a phisitian come to the Towne, who he thinkes is willing to staye here if hee may haue incuragm^t: hee is a Frenchman,‡ but hath liued in England and in Holland a great while, and hath good Testi-

* Grace, wife of John Walker; he died shortly after, and she married Watson.

† Thomas Hanford, afterwards minister of Norwalk.

‡ His name as reported was Chais.

monialls from both places, and from the Vniversitie of Franicer,* where hee hath approved himselfe in his disputes, able in understanding in that art; and M^r Dauenport saith he finds in discourse wth him that his abilities answer the testimony given. Now the Towne may consider what they will doe in the case; for it is not good to neglect such providences of God when they are offered. The Court after consideration desired the former Committee to speake wth him, and desire his settling amongst vs, and that hee may haue a house provided, and encouragm^t in provisions, and what else is necessary to the vallew of 10^l:/

It was propounded, as formerly it hath bine, that the wampom w^{ch} is put into the Church Treasury is so bad that the officers who receive it can make litle of it: and therfore it is thought best that all men put in siluer, or bills: also that the quantitie is too little; that therfore men would inlarge. The things being [74] considered, the Court saw fitt to order that all planters of this Towne put into the Church Treasury no wampom, but siluer or bills: and that they add to what they formerly gaue the somme they lately added towards the maintaynance of the Ordinances, and that once a quarter all men make euen wth the deacons and paye their debts to the Treasury in good paye, that those w^{ch} receive it may be encouraged in their worke: /

And whereas it is taken notice of that diuers giue not in to the Treasury at all vpon the Lords day, it is desired that all such (if they give not freely of themselues) should be rated according to the Jurisdictions order, for ministers maintaynance.

And the Deputies are desired to take notice who are inhabitants in the Towne, and are not admitted planters, that they may be called in question & things reduced to order: /

Men were desired to bring in their rates to the Treasurer or else y^e Marshall must be sent wth a warrant to distreyne, for y^e towne is in debt, and the Treasurer hath not wherewth all to paye: /

It is desired that the casements of the Meetinghouse may haue the glass taken out and boards fitted in, that in y^e winter it may bee warme; and in y^e summer they may bee taken downe

* Franeker, in northern Holland.

to let in y^e ayre: and Jeremiah [Whitnell] was desired speedily to doe it: /

The Towne granted to Nathaniell Merriman, John Moss, and Isack Whithead, the meddow and second devisiion of vpland w^{ch} belonged to M^{ris} Eldreds lott; provided that they goe p^rsently to lue vpon it, and keepe farmes, for the raying corne and cattell for their owne good and y^e good of the Towne.

It is Ordered that the Deputies should treat wth Nathaniell Merriman aboute the land he bought of Mantuose* & now offers to sell to the Towne: they are to compare the wrighting of his purchase wth the other purchases the Towne had of Mantuose, and if they see cause to allow him 40^s for it, w^{ch} he saith cost him 30^s ten yeeres agoe: & vpon p^rvsall of y^e wrightings it was conceived that y^e land is contayned in y^e purchases the Towne made of Mantuose, but because this was first and to avoyde trouble, the Committee allowed to him 30^s, w^{ch} he accepted in full satisfaction for his right therin: /

The Court were desired to declare what fine swine were vnder for poundage after they had libbertie in October, till March when the fine was expressed to be 6^d. The Court declared by vote that they conceive when the fine of 12^d were taken of, the former fine of 6^d tooke place againe, though it were not expressed. M^r Gibbard desired it might be voted whether it was cleerly inough expressed: some said they thought not, but the Court would doe nothing in it.

[75] AT A GENERALL COURT FOR NEWHAVEN, 17TH
NOVEMBER, 1651.

The Committee appointed the last Court to treat and agree wth the Scoole-master acquainted the Court wth what they had done: viz: that hee propounds to haue 20^l a yeere, and the Towne to paye for his chamber and dyet (w^{ch} they haue agreed wth M^r Atwater for, for 5^s a weeke); that the Towne paye towards his charges in coming heither 30^s; that he haue libbertie

* Montowese, one of the Sachems on the north boundary of the New Haven region.

once a yeare to goe see his freinds, w^{ch} wee propounded to be in harvest time; that his paye bee good, & some of it such as wherewth he may buy bookes & defraye charges in his travel: that if he bee called away (not to the same worke) but some other imployment, w^{ch} may bee for the Honno^r of Christ, he may haue libbertie: And for this hee will teach the children of this Towne (hauing the benifit of strangers to himselfe) after they are entered and can reade in y^e Testament, to perfect them in English, and teach them their Latin tongue, as they are capeable, and to wright. After consideration the Towne voted to accept y^e termes propounded: /

Also the Committee acquainted the Towne that they haue spoke wth the French doctor and finde his wants so many that 10^l will goe but a litle way in providing for him. The Towne considering that he may be of good vse in the place, and particularly in respect to M^{ris} Davenports case, desired the Committee to see that hee bee provided of a house and houshold stuff, and provisions for foode and cloathing, and let it bee paide out of the Towne Treasury. And the Towne were desired in this case to lend some houshold stuff to supply their p^rsent necessitie, and divers saide they would: /

The Committee acquainted the Towne that they had thought of M^r Westerhouses house* for him, onely M^r Ling who is intrusted wth it (though he require no rent) expects that the house may be secured in case fire come by their meanes: w^{ch} the Towne granted to doe: /

M^r Hooke had libertie to cut some smale timber in y^e oxe pasture.

Goodman Judson desired to buy the Towne gates at his streetes end: † w^{ch} the Towne yeilded, and desired Jervice Boykin to prise them: /

It was voted concerning the oxepasture that it be laide in proprieties according to mens proportions; and that they that will plant shall lye together in one peece where the lott cast them: and that at 5 yeares end they w^{ch} plant laye it downe, and leaue it

* William Westerhouse, a Dutchman, had recently removed; his house was on the northwest corner of State and Water streets.

† See N. H. Colonial Records, i, 24. William Judson lived on the southwest corner of College and Grove streets.

plaine that it may bee y^e fitter for pasture; the rule for devis-
sion to be as men put in their estates at first: for that w^{ch}
belonged to y^e absent lotts, it is at the Townes dispose.

The Committee appointed to consider aboute stinting of swine
and preventing damage in meddowes, acquainted y^e Towne that
they haue agreed that every famylie in the Towne should have
libertie to keepe 6 swine, 3 old ons to kill and 3 young ons for
store; and beside that for every [76] twenty ac's of land any
man hath lye vnfenced he shall have libertie to keepe one swine.
[27 Feb: 53. It is agreed by y^e Towne that for y^e 20 ac's they
shall keepe a young one vnd^r the old one.] The Court con-
firmed it by vote, and added the penaltie of 5^s for every
swine any man keeps aboue his proportion; sucking piggs of
two monethes old or vnder are excepted: the order to begine
in March next: /

For the meddowes they haue agreed that where swine are
found in meddowes doing damage, the owner of the swine
shall paye the damage; and 12^d a peece to him that pounds them
or brings them home; or if he cannot bring them home by his
best indeavours, then to tell y^e owner of them. The Court
approved of it and confirmed it by vote: /

It was propounded that their might bee some men chosen to
consider and cary on the Towne affaires, that these meetings
w^{ch} spends the Towne much time may not bee so often. The
Court approved the Motion, and chose one out of each quarter to
this worke: viz^d, Francis Newman, John Coop^r, Jervice Boykin,
M^r Atwater, William Fowler, Richard Miles, Henry Lindon,
Thomas Kimberly, and Mathew Camfeild, w^{ch} are to stand in
this trust till the Towne Elections in May come twelue moneth:
and they are by this Court authorized to be the Townes-men to
order all matters aboute fences, swine, and all other things in the
generall occasions of y^e Towne, except extraordinary charges,
matters of Election in May yearly, and the disposing of y^e
Townes land: / *

Richard Beckly propounded to the Court that he might haue
some land and meddow at y^e seaside, where he formerly pro-

* The earliest extant records of the Townsmen begin in 1665. Similar
officers (also known as Townsmen) had been appointed in Connecticut
in 1639; and in Massachusetts, with the name of Selectmen, in 1634.

pounded to make him a farme: their are also some others that would goe wth him to settle there. The Court left it to the Townes-men to consider of the motion; and if a meete company p^rsented to grant it to them, as they see cause; provided that if William Andrewes (who first propounded for a parte there) desire it, hee may be accommodated before another: /

AT A COURT HELD AT NEWHAVEN THE 2D OF DECEMBER, 1651

Edward Parker was called to answer to the case depending betwixt M^r Crane and Jeremiah Watts. Hee said hee hath not yet heard from Jeremiah: and for the dayes plowing, Jeremiah said John Moss was to paye. The Court considered y^e case, and because it concernes an absent man, and John Moss is not here to answer, they refferred it till y^e next Court: /

M^r Goodanhouse declared that he hath suffered much loss in his cattell by William Wooden (his farmers) neglect, not providing hey sufficient for them: and this yeare he gott men to veiwe the hey he hath provided and their is not inough by a great deale, but he sells the hey away, and starves the cattell. The Court desired to see the [77] covenants, w^{ch} being read it appeared William Wooden had no libertie to sell hey. Some difference also aboute the fence, who should sett it in repaire. The Court considering the case would haue many questions in it; advised them to agree it by arbytration. They both declared themselues free and willing, and chose their arbytrato^rs: William Wooden chose William Bradly, and M^r Goodanhouse chose John Coop^r; and gaue them power in case they differed to chuse an vmpyer; and they both promised before the Court to stand to their award.

M^r Goodyere because his man wanted a worrne & scouerer was fined 12^d, and for want of 2^l of bullits.

Thomas Lamson was called before the Court, and blamed that hee hath not made the house where his wife lyes warme. He promised if the Marshall will let her bee at his house still to doe it, and for his child* that is at Richard Mansfelds. Richard

* By his former marriage; see above, p. 21.

Mansfeild and he made an Agreement before the Court that Thomas Lamson should pay Richard Mansfeild for keeping the child the last halfe yeare past, 2^s 6^d a weeke; and that he give him a cow, w^{ch} is to be prised by indifferent men: and Richard Mansfeild will take the child and keepe it and bring it vp; but if God should take him or his wife away before the child be brought vp, then if they see cause they may dispose of it; and if their be cause, to returne any parte of the price of the cow towards the maintaynance of it: but not to goe beyonde the price thereof: all w^{ch} shall be ordered by the Authority of this place then being: /

AT A GENERALL COURT FOR NEWHAVEN THE 3D OF DECEMBER, 1651.

The Court vnderstanding that by reason of the former vote concerning the oxo pasture, the buisnes of planting there is like to fall, did againe take the matter into their consideration, and after much debate aboute it saw cause to alter their former vote, and order as followeth: That the oxo pasture shall be devided into two parts: one third of it to be laide next the Towne for a planting feild, and every man to haue a third of his land there, onely they w^{ch} haue not aboue halfe an ac^r may haue it all there if they please: this third part every man is to cleere and plant his owne, or let others plant it for 5 yeares; then they are to leave it to the oxo pasture againe, not in Indian hills, but plaine, that it may be the fitter for pasture: for the other two thirds w^{thout}, it may be improved for oxen, and men may haue libertie to cut wood orderly: the rules and orders, both for planting feild and oxo pasture & cutting wood, to be made by the Townesmen; and hee that doth not cleere his land as others doe shall lose his proprietie there. All that w^{ch} belonged to the absent lotts is to lye in y^e planting feild if their be persons to take it vp and plant it: /

[78] Those who desire it may haue libertie to cut fire wood in the cowpasture,* provided that they cleere away topes and bodies of trees if they fall them, and the brush wood also.

It was propounded that some safer way might bee found out to •Connecticote, that the danger of the east river may bee avoyded.

* In the vicinity of the ox pasture.

The new way was desired to be veiwed againe; or William Bradly offered to lend his cannow to lye in y^e East River, if the Towne will finde ropes to drawe it too & againe. It is left to the Townesmen to consider of and determin as they see cause.

M^r Ling and M^r Tuttill propounded for some meddow w^{ch} lyes vpon Stony river neere their owne, and is yet in y^e Townes hand. The Court left it to the Townes-men to dispose of as they see cause.

AT A COURT HELD AT NEWHAVEN THE 6TH OF JANUARY, 1651.

Goodwife Megges informed the Court that her husband gaue her order to come to this Towne, to looke after and receive some iron things w^{ch} James Till left here, and are her husbands things. She was told if it be true that is reported concerning her husband, that he should haue a hand in helping away James Till and the oxen also, it is not well: but the things are attached, and must remaine in the power of the Court till her husband and they that haue attached them haue it issued in a legall way: and therfore the Courts Orders, that all the things of his attached be delivered to the Marshall, and an Inventory taken of them, and kept safe till the Court see cause to call for them: /

Owen Morgan presented a note to the Court from M^{ris} Knell* of Stratford (sometime Goodwife Knowles of Newhaven) concerning the selling her house and all her accommodations, except the meddow to the said Owen Morgan; but the note was found imperfect, and Henry Lindon layes claime to some of the land: wherfore the Court respitted it till it may be farther cleered.

Richard Mansfeild informed the Court that he hath bought of M^r James Marshall his lott† and all his accommodations thereto belonging, as appeares by a deede from the saide M^r Marshall to Richard Mansfeild; and he now desires it may bee past ouer and setled vpon him by the Court. The Court vnderstanding

* Elizabeth, daughter of Francis Newman, of New Haven, married Thomas Knowles, who died in 1648, and secondly Nicholas Knell or Knill.

† On the northwest corner of Elm and Church streets; Mansfield had hitherto been Marshall's steward and agent.

that he hath bine admitted by Committee appointed to receive planters, did now pass it ouer to him:

The buisnes depending betwixt M^r Crane and Jeremiah Watts was called vpon: and John Moss being p^rsent said that he let Jeremia Watts some ground, and they were to plow to-gether: Jeremiah had a desire to gett M^r Cranes teame, but he thought M^r Crane would not let him haue it, therefore desired him, the s^d Jn^o Moss, to gett it a day, and Jeremiah promised to help him in harvest for it; but when harvest came he refused to help him, and said hee would paye M^r Crane for the dayes plowing himsele, and M^r Crane seemed to be satisfyed wth Jeremiah's paye. M^r Crane said hee was from home when the worke was done; but after Jeremiah came to him and told him he owed him 7^s for a dayes plowing, and 9^s for dyet, and appointed him to receive 16^s of M^r Evanc, of whome he demanded it, but he refused to paye it [79] and said their was nothing due from him to Jeremiah at that time, and after Edward Parker received it of M^r Evance for Jeremiah & Jeremiah went away 16^s in his debt, w^{ch} he hath attached in the hands of Edward Parker: and now desires, if the Court see it just, he may be ordered to receive it. Edward Parker who appeared for Jeremiah Watts was asked what he can say, why M^r Crane should not receive this 16^s out of Jeremiah Watts his estate; he said he can say nothing against it, for he had heard Jeremiah say he owed M^r Crane 9^s for dyet, and 7^s for plowing is cleerly due by John Moss his testimony: and hee hath writt to Jeremiah to informe him of the buisnes, but can hear nothing from him. The Court considering the case Ordered that Edward Parker paye to M^r Crane out of Jeremiah Watts his estate sixteene shillings, and foure shillings for y^e Court charges; and for his attendanc now part of three dayes, M^r Crane is willing to abate it, and promised that if hereafter Jeremiah can make it appeare otherwise, hee will answer it: /

Widdow Wilmott p^rsented to the Court an Inventory of the estate left by her late husband Benjamin Wilmot, deceased, ammounting to , taken the 25th of June, 1651; prised by John Wakeman & Robert Johnson; and she now in Court testified vpon oath that to her best light & knowledg it is a true, full, and just Inventory in all the parts of it, and John Wakeman and Robert Johnson testified vpon oath that the apprisment is true and just, according to their best light: /

Robert Johnson was complained of for absence at a Generall Court. Hee said hee had some vrgent occasions aboute fetching home some hey that hindered him, but he doth not vse to be absent, but leaues it to y^e Court. The Court considering the case, past it wth half the fine w^{ch} is 6^d:/

Henry Morrell declareth that one day when William Gibbons & Nathaniell Merriman should haue kept the heard they lost his cow, w^{ch} was a great damage to him: two dayes time he spent to seeke her, beside the loss of her milke. William Gibbons said in the morning he was prepareing himselfe to goe forth wth the cowes and would haue kept all the day wth Nathaniel Merriman, for feare they should lose them; but Nathaniell Merrimen would not, but onely keepe the former part of the day; then he asked him where he should finde him; he said behinde the pine rocke. So after the morning Exercise was done, and he had dined, he was makeing himselfe ready to goe, but before he was gone Nathaniel Merriman was come home and caled him and told him he had left the heard in the oxe pasture. So he went, but found them not there, and he looked vp and downe for them so long as he could well see, and found aboute twenty of them and brought them home; so that he thinkes hee was not in fault, because he never had them: and this he said he could take oath of to be true:/ Nathaniell said that Willm Gibbons was not willing to keepe all the day, but said hee would goe wth him and keepe till tenn a clocke, w^{ch} was as much as his share came to, and said when he was goeing away, that he must not expect that he would come after him: so that he did not expect y^t he would come at all: therefore when he had kept them the former part of the day, he left them in y^e oxe pasture (where he conceived they would be most safe) and came home, and by that time he came to his owne house, the first drume beate for the afternoone Exercise: and this he can testifie to be true vpon oath: so that he thinkes hee did his parte and is not in fault. They were told they are both in fault, for they should haue agreed to keepe them together, or if by parts then the one should haue kept them till the other came to them: Nath: Merriman should not haue come away so soone, and William Gibbons might [80] haue gone sooner, that is as soon as the morning Exercise was ended, though he had caried

his diner wth him. Hen: Morrell was asked what damage he requires: he saide 31^s, 4^d, for two dayes worke, and for his milke, and for Court charges. The Court considering the case saw cause to order that William Gibbons and Nathaniel Merriman paye equally betwixt them this damage to Henry Morrell, that is 3^s 4^d for his two dayes worke, 12^d for his milke he lost, and 4^s for the Court charges, w^{ch} is 8^s 4^d in all: /

AT A COURT HELD AT NEWHAVEN THE 3D OF FEBRUARY, 1651

M^r Goodanhouse informed the Court that he hath laide an attachment vpon some parte of M^r Pells Estate, for some thing he owes him, and hath given M^r Pell notice of it, but he heares nothing from him, and y^t he hath the Acc^{ot} hear ready: but there being none for M^r Pell p^rsent to answer, the Court would doe nothing in it, onely declared that the attachment stands good: /

Widdow Wilmott desired Letters of Administration from the Court to administer vpon the Estate of her late husband, Benjamin Wilmott. She was told the Court will not denye it, but she must in securitie for the childrens portions if she administer. She said she knew not how to doe it, but she desired to be as carefull of the estate as she can for the good of the children. The Court told her that they can doe no other than require securitie, according to the Generall Courts order, and M^r Good-year and the Secretarie were desired to speake wth her and veiwe the Inventory and see what there is in beeing w^{ch} may be securitie to y^e vallew of the childrens portions: /

AT A GENERALL COURT FOR NEWHAVEN, FEBRUARY 9TH 1651

The Gouverner informed the Court that the Townes men have viewed the Treasurers Acc^{ots} and see cause that there be a new rate pd for y^e defraying of necessary charges: after consideration of y^e motion it was ordered that one rate be forthwth payde in. to

the Tresurer in such paye and at such prises as was formerly ordered:

It was propounded that the Bevour pond brooke might be brought to the towne to sett a mill vpon. M^r Goodyeare & the Townes men were desired to consid^r of it.

Vpon William Holts desire the Court granted to him twenty ac^{rs} of land at Chesnutt Hill, where Edward Camp and others haue land, and vpon the same termes that theires was granted: /

It is (wth M^r Goodyears consent) Ordered that Robert, his man, shall be sealer for leather wth Thomas Beament: and Serjant Jeffery is also desired and appointed to the service when he is at home: /

The Towne gaue libertie to the Townsmen to dispose of the fresh meddow on the Indian side, and of what other meddowes belongs to the Towne as they shall see cause: /

The Magistrats and Elders were desired to speake wth the docter, and see if they cannot settle a more moderate price for his visiting of sicke folkes than he hath yet taken: /

The Townesmen were desired to consider of the charge w^{ch} old Bunill hath bine to y^e Towne, and how it may be lessened, and settle a weekly allowance to him, as they see cause, that hee may not runn out in vnecessary charges: /

[81] It is left to the Townesmen to consider of and issue the differenc betwixt M^r Wakemans quarter, M^r Goodyeares quarter, and M^r Lambertons quarter, and the suburbs, concerning the second devisiion of land, for M^r Goodyrs and M^r Wakemans quarters, w^{ch} they desire on the west side, betwixt M^r Malbons meddow & Oyster River: and each quarter were desired to appointe a man to speake wth the Townesmen, and that the land bee viewed, and the matter issued as the Townesmen shall determine: /

A case was propounded concerning some fence betwixt M^r Malbons clay pitt lott and the quarter next it, but nothing was determined in y^e case: /

It is Ordered that all house lotts fences shall be made and maintayned betwixt one lott and another; and whosoeuer neglects his home lot fence, so as that his neighbour haue damage by it, he must paye the damage through whose fence it comes: /

Thomas Munson desired the Towne to give him a parte of M^{ris} Eldreds home lott, to build and live vpon; and propounded his purpose of setting aboute makeing of wheeles, w^{ch} some what inclined the Towne to hearken to his motion, and left it to the Townesmen to doe as they see cause: /

For burning the woods it is thought meete that when it is a fitt season to doe it, the drume should beate to give men notice that they that haue fences or other things in danger, may see to secure them: /

It was desired that an Order might be made to inioyne men to enter the land that they buy, and a penaltie sett in case men neglect it, but nothing was done in it at present, but refferred to another time, onely all men that have bought houses or land were desired speedily to enter it, that questions and troubles aboute it hereafter may be prevented: /

A COURT HELD AT NEWHAVEN MARCH 2D 1651-52

William Basset passeth ouer to Tompson, Widdow, his house and home lott, lying betwixt the house of George Smith and the highway into the quarter; and foure ac^{rs} of land lying in the suburbes quarter betwixt the land of Peeter Mallary and the same highway; and three a^{rs} & a halfe of land at the further end of that quarter, betwixt the land of William Pecke and y^e land that was Arthur Holbiches, one end abutting against the west meddow: and two a^{rs} of meddow lying in the west meddow on this side of the river, betwixt the medd of William Pecke and the meddow that was Arthur Holbiches, one end butting vpon the quarter, the other end against the West river: and one peece of land one the further side of the West river w^{thin} the two mile, aboute two ac^{rs} be it more or less, betwixt the land of Mathias Hitchcocke and Rogger Allen; all w^{ch} did belong to the eldest son of William Iues* and was ingaged for his portion

* William Bassett, husband of the widow of William Ives, sells to Catharine, widow of Anthony Thompson, the lot on the southwest corner of Congress avenue and Hill street.

and is now sould for eleuen pounds: and William Basset now ingageth to the Court so many cattell as is worth this eleuen pounds for securitie of the childes portion. The cattell are to be vallewed by Richard Miles and Henry Lindon, and not to be altred wthout the Courts consent: /

M^r Joshua Atwater p^rsented a note subscribed by Theophilus Higginson, w^{ch} shoves that he the said Theophilus hath sold vnto M^r Atwater his two shops or warehouses by the creeke side against M^r Roth^rfords house,* wth the ground thereto belonging, w^{ch} he formerly bought [82] of John Livermore. M^r Atwater was told the Court alowed of the sale, but it should have bine past in Court, or before a Magistrate, or at least the note should haue bine witnessed: therefore if any questions hereafter come aboute it, he must stand to the hazard thereof: /

George Laremore passeth ouer to John Chidsy his house & home lott lying betwixt the house of John Basset & y^e house of Ephraim Penington.

William Potter passeth ouer vnto James Clarke two ac^rs & a halfe of meddow, bee it more or less, lying in the west meddow on the furth^r side of the river, betwixt the meddow that was John Livermores & the meddow w^{ch} did belonge to John Potter, one end butting vpon the river, the other end vpon the vpland: /

Alexander Bryan of Milford, for and on the behalfe of Henry Stonhill, passeth ouer to Edward Banister all the meddow w^{ch} did belonge to Henry Stonhills lott: /

Alexander Bryan also passeth ouer to James Hayward the house & home lott and all the rest of the land w^{ch} did belong to y^e lott of Henry Stonhill.

M^r Bryan promised to paye in to M^r Ling the money w^{ch} is due from him to M^r Westerhouse: and the Court told him that for any debt M^r Augustin demands it must be proued, and the mony shall be at the Courts dispose till matters be cleered: as form^ly at a Court July 1th 1651.

David Atwater passeth ouer to Samuell Marsh 1 peece of land, aboute 20 ac^rs, bee it more or less, lying neere the Mill, bounded wth the Mill river on the one side, the rocke on the other, one end butting vpon the land that was Captaine Turners: /

* Henry Rutherford lived on the west side of State street, between George and Water.

Christopher Todd passeth ouer to John Hall 4 ac^rs of meddow lying vpon the great Island in the East river on that side next M^r Dauenports farme, betwixt the meddow of Benjamin Wilmot & the meddow of Francis Browne, one end butting vpon the river, y^e other end vpon the great pond: /

Adam Nickoles passeth ouer to Christopher Todd 6 ac^rs of land lying in the Yorkesheire quarter, betwixt the land of Thomas Wheeler and M^r Atwater, one end butting vpon the highway betwixt the quarters, the other end vpon the land of Jeremiah Whitnell: /

John Tompson passeth ouer vnto Samuell Hodgkins his house & home lott, w^{ch} he bought of Theophilus Higginson, lying betwixt the house of William Judson & y^e home lott of M^r Tench: /

Christopher Todd passeth ouer vnto Robert Johnson his home lott wth a house and barne vpon it, lying betwixt the house of Andrew Loe and the house of Robert Hill: /

Thomas Langden* and his wife being warned to the Court were called. He appeared and said his wife is not well and could not come: he was told that his wife is accused for inviteing other mens servants to her house in the night, but because she is not here hee was told that hee and his wife must appeare next Court, to answer to what shall be charged against them: /

[83] AT A GENERALL COURT FOR NEWHAVEN THE IITH OF MARCH,
1651-52.

The Gouverno^r acquainted the Court that the Townesmen haue considered of sundrie things and made severall Orders, w^{ch} is necessary for the Towne to be acquainted wth; and they were now read, and any that would had libbertie to object against what was done: but none did, but what was done was by silence confirmed; and it was now further ordered that the Townesmen shall give libbertie to what men they see cause (w^{ch} are not planters) to keepe what catle or swine they shall thinke meete: /

The Gouverno^r acquainted the Court that he heares the scoole master is somewhat discouraged, because he hath so many

* A tavern-keeper.

English scollers, w^{ch} he must learne to spell, w^{ch} was neuer the Townes mind, as appeared in the Order, w^{ch} was now read; and it was now Ordered that the scoolemaster shall send backe such scollers as he sees doth not answer the first agreem^t wth him, and the parrents of such children were desired not to send them: /

Jervice Boykin and William Russell were desired to make some seats in the scoole house, and a chest to put the bookes in, and to repaire the meeteing-house dores, and doe what else there the Townesmen haue ordered to bee done: /

John Cooper desired that he might be satisfyed for the paines he tooke in viewing the fences of the Towne for one yeere; he was wished to make his demande: he said the time he can reckon and give acc^{ot} of comes to 5^l, but there were many other times he was called forth, w^{ch} he cannot readily tell how much it was, but if the Towne be willing to alow him 6^l, he shall be satisfyed. After consideration it was ordered that John Cooper should haue 6^l payde him out of the Treasury for the paines he tooke for the Towne that yeare: /

Jeremiah Whitnel was chosen viwer of the fenc, to joyne wth Thomas Johnson, and continew in it till May next, y^t a new be chosen.

The Townesmen were desired to speake wth old Bunill aboute putting forth his boy, that his famylie may be lessened, that the Towne may be at as litle charge as may bee. It was saide that Goodman Judsons sonn offered him a cow for the boy, so he might haue him such a number of yeares as might answer it. It was answered if any in the Towne would haue him vpon the termes that another would give, they might: if not, then the Townesmen must put him out as they can; for it was said that the boy is not onely a charge, but he will be spoyled for want of gouern^t: /

The Towne was acquainted wth what sundrie of the Bretheren of y^e Church haue purposed to doe concerning the docter, namely to give him 25^l to provide him of phisickall things necessary for his calling; but further the docter propounds that hee may haue a house provided for him and payde for by the Towne, w^{ch} now the Towne may consider of. After much debate it was ordered that the Towne will paye for the rent of a house for him; and

if M^r Malbons* can be had they will pay for that; if not, another; but if no other can be gott, that he is in; they will laye out to y^e vallew of 7 or 8^l to make it convenient if it may satisfye:/

[84] M^r Augar propounded to know vpon what termes he had his lott† given him, that in case he should goe away he may know how to dispose of it. He was told that the Towne would not haue him discouraged in his way, or to haue any thoughts of remove; but for his lott, it was given him freely as other menes lotts were given them at first:/

AT A MEETING OF THE TOWNESMEN, DECEMR 3D, 1651.

It is agreed and ordered that William Andrewes, Richard Beckly, Mathias Hitchcocke, Edward Pattyson, and Edward Hitchcocke shall haue the necke of land by the sea side, beyond the Cove, and all the meddow belonging to it, belowe the island wth a rock vpon it: they are to haue the necke intire to themselues, payeing to the Towne one penny on ac^r for five hundered ac^rs, for each rate, and for their meddow as other men doe. They are goe setle and dwell vpon it at spring next, and to improve it by way of farming, for getting corne, and breeding of cattell, and not to dispose of it by letting or selling, wthout the Townes consent; and if they or any of them should remove out of the plantation wthin five yeares, they are to leaue the land to the Towne (if they will accept it), payeing for improvments as it is then worth, being judged by indifferent men; and if their cattell doe damage in eating the meddowes the farmers now haue at Stony River, it is agreed (M^r Ling and M^r Tuttill being present) that a fence shall be made to secure it from their cattell, w^{ch} is to be made and maintayned betwixt them, that is the farmers on the necke halfe, and the farmers at Stony River (who are concerned in it) the other halfe; further, the farmers vpon the necke promise (that seeing they haue the necke intire to themselues) if any of their cattell gett out to pasture wthout the necke, they will make a fence to keepe them in:/

* On the west side of State street, at Court.

† On the southwest corner of Elm and Church streets. He had served the community for some eight years as a physician.

It is agreed wth John Cooper to mend and maintayne sufficiently the causwayes on both sides of the necke bridg,* for 30^s for this yeare, and at the yeares end to deliuer them vp in good reparaire: hee demanded 40^s for the worke, & was promised that if when his yeere is vp he sees he can not doe it for 30^s, it shall be considered: /

Jervice Boykin was desired to call John Basset & Thomas Munson, & view the neck bridg; M^r Atwater & Francis Newman were desired to goe wth them. They did, and at y^e next Meeting made a returne that y^e bridg is much out of reparaire, and something must be done at p^rsent to secure it from goeing away, w^{ch} Jervice Boykin was desired to doe and bring in his acc^{ot} and it should be paide: /

AT A MEETING OF THE TOWNESMEN, DECEMR 10TH 1651

Concerning the planting feild in the oxe pasture, it is agreed that they fence it, all the first yeere; and they w^{ch} plant this first yeare to lye together at heither end of the feild next the Towne, w^{ch} is to begine at Goodman Johnsons gate,† and to lye in order as the lot cast them. A high way is to runn through the middle of the lotts, fronting against it on both sides, and if any man put in to lye amongst the planters now or hereafter promising to plant and doe not, he must beare the damage w^{ch} his neighbours suffers by his not planting. The time they are to haue it, when to leave it, and in what manner, is ordered by the Generall Court for Newhaven, December 3^d 1651.

[85] For the other parte of y^e oxe pasture not planted, it is agreed that when y^e planting feild is laide out, men shall haue libbertie to cut wood in an orderly way, being laide out by the ac^r or halfe ac^r or what they neede, beginning next the fence: they are to cleere away tops and bodies of y^e trees they fall, and all the brush wood in the ground they take, and no man is to cut to sell, nor in gross, great quantities to himselfe, to the prejudice of others: also that no men cut any wthin 6 rod of the

* Across Mill River, near Cedar Hill, being reached by Neck Lane, the upper part of State street.

† At the junction of York and Elm streets.

line where the fence of the oxe pasture is to runn, and so much as any man takes vp he is to cleere in a yeares time, onely he hath libbertie to leaue two trees vpon an ac^r, but no brushwood, and if any man cut wood there wthout order or contrary to order, he is for each tree or brush wood not cleered to forfeite 2^s, w^{ch} is to goe, 12^d to the Towne, and 12^d to the informer. All the wood on this side the planting feild next the Towne is reserved onely for the Elders: /

AT A MEETING OF THE TOWNESMEN, DECEMR 31TH, 1651.

It is agreed that the West bridg shall be mended so soone as the weather will give way, and y^t faggotts be p^rsently made to make y^e wings.

It is agreed that the Mill highway shall be remoued to a more convenient place to come ouer the swamp then it is now laide in; and William Fowler, Jervice Boykin, John Cooper, & Math. Camfeild were desired to viue the place, and speake wth those whose lands lye neere it, that it may be remoued to the best place for the good of the Towne, and to the satisfaction of any whose land it may intrench vpon.

Jervice Boykin were desired to sett vp other shores vnder the posts of the Meeting house, vnderneath those that are vp allready, to prevent them from further flying out at foote; and also to sett vp some rafters to make a shed ouer the scoole house chimney, and Jeremiah Whitnel was to be spoke to to clapbord it: /

It is desired that every heard in the towne doe indeavour to provide themselues of two good bulls this next summer: and that every heard in the Towne doe this yeere breed vp two good bull calues, such as two men appointed for each heard shall judg, and that every yeere after they breede one bull calfe, that so a stocke of good bulls may be kept in the towne, and that every man in the heard paye for every calfe he hath this next yeere, and so hereafter 12^d for the maintaynanc of the bulls, when they come to doe service, w^{ch} is when hee is comeing three yeeres old: this to bee attended vnder the penaltie of forty shillings fine to the Towne for each heard that neglects it. The men appoynted for the ouersight of the calues to bee bred are: for y^e suburbs

heard, Henry Lindon and Samuel Whithead: William Tuttill and John Cooper for the heard where they are: Richard Miles & William Fowler for the heard where they are: Robert Pigg and William Paine for the heard where they are; and if these men chosen to this trust neglect to looke after it, or any whome they appointe to breed a bull refuse it, they shall paye for each neglect 10^s a man to y^e Towne: /

AT A MEETING OF THE TOWNESMEN, FEBRUARY 21TH, 1651

It is Ordered that no man but such as are admitted planters here shall keepe any swine or cattell wthin the libberties of this Towne wthout leaue from the Towne, nor shall any planter let out any of his common for swine or other cattell to any that is [86] not a planter, wthout the Townes consent.

The case of old Bunill was taken into consideration, and for the present it is agreed that hee should haue 2^s a weeke alowed him, provided that hee and his family doe what they can towards their maintaynance.

It is propounded to the Towne concerning M^r Roes home lott,* that M^r Dauenport might haue that third part next his owne lott w^{ch} M^r Crane had, or so much cross the lott against his owne as he desires it: and that M^r Gilbert might haue that third part he hath next his owne: and that Thomas Munson should haue the other third parte, vpon condition that he doe presently after possession of it build a suitable house vpon it, and follow the trade of makeing wheelles, for the good of the Towne, and plowes and other things for the furtheranc of husbandry as he can: /

John Hall and William Russell propounded for some meddow at the Pine river. It was agreed that if they desire it they should get a Survayer and take a draught of y^e lying of the meddow & the quantity of it: and then an answer shall be returned.

It is agreed that M^r Ling, M^r Tuttill, & Mathew Moulthrop should haue a peece of meddow, lying vpon Stony river, vnlaide out, beyond M^r Tuttils meddow, aboute 13 or 14 ac^s, bee it

* This lot, on the east side of Church street, at Court street, had been assigned to Owen Rowe, or Roe, of London, who never emigrated.

more or less, equally devided betwixt them, both for quantity and quallity, vpon condition that they paye rates for it from the time that they accept of it, and that they injoye it as their owne so long as they stay personally in the plantation, but they haue no libbertie to sell or alienate it to another, but if they remoue to returne it to the Towne againe: /

And vpon the same termes, the Gouverner, M^r Ling, M^r Tuttill, and Mathew Moulthrop, haue each of them twenty ac^{rs} of meddow granted to them, in the fresh meddow, on the Indian side, to lye in a convenient place together and to be equally devided for y^e quality thereof.

It is agreed that no man shall cut any meddow w^{ch} belongs to the Towne, wthout the Townes consent.

It is propounded that no young cattell but calues may goe in the Necke, nor no horses but such as are kept to worke, that so it may be for workeing oxen, calues and sheepe; and for calues, oxen and horses, the proportion allready settled be attended; and for sheepe that one ac^r & a halfe be allowed by the owner for the feeding of every one that is a yeere old, or aboue; and when the gate at the bridge is sett vp, the orders allready made concerning y^e Necke bee attended.

It is agreed that Jervice Boykine shall haue libbertie to cut wood vpon the two ac^{rs} of land w^{ch} did belong to Joseph Pecke in the second devisson of Goodman Judsons qrt, till the Towne sees cause to dispose of it otherways.

Vpon a serious viue of the land w^{ch} M^r Gibbards and M^r Goodyeers quarters desire at the seaside, it is agreed that they should take a survey thereof, from the heither end of M^r Malbons meddow, vpon a straight line towards Oyster river to the suburbs quarter, that the quantity of land may be knowne, & how it lyes, and then the Towne may the better knowe how to dispose of it: /

[87] AT A COURT HELD AT NEWHAVEN THE 6TH OF APRILL, 1652

John Benham was complained of, because his fence is defective in two places; and though he hath bine warned of it, yet hath not mended it, for w^{ch} he is fined 2^s:

William Seaward for fouer defects in his fence, not mended sufficiently though he was warned thereof, is fined foure shillings:

Edward Pattyson, because two rod of his fence is downe, is fined 2^s.

Edward Hitchcockes fence is complained of to be defective, wherein Mathew Camfeilds hoggs haue come in and done damage to Henry Lindon's pease. Edward Hitchcocke said that William Tompson is to beare parte of the fence: he was told that the fence must be maintayned, and eight shillings six pence for the poundag of 17 hogs Mathew Camfeild must paye to Henry Lindon, and require it againe of the owners of the fence: and for the damage it is not knowne till it may be seene how the pease come vp, & then it will bee considered: /

Timothy Ford hath sould and now passeth ouer to John Thomas three ac^{rs} of vpland, of the first devisision, lying in the subvrbs quarter, at the end of John Thomas his home lott, and by the highway side w^{ch} goes into the quarter: /

Richard Miles and John Nash for and on the behalfe of Thomas Welch passeth ouer vnto Thomas Barnes one ac^r & a quarter of land lying next Milford highway, butting vpon the spring at neither end.

Thomas Barnes passeth this formentioned parcell of land of 1 ac^r $\frac{1}{4}$ to William Fowler.

Widdow Banister passeth ouer to Thomas Barnes his house & home lott w^{ch} her husband had of Steven Metcalfe.

William Davis passeth to William Wooden one house and 14 ac^{rs} of land at the plaines, lying at further end, betwixt the land of Adam Nickoles and Robert Pigg: /

James Hayward passeth ouer to William Davis the land he bought of Henry Stonhill, except the home lott: and William Daus as Administrato^r to James* is to answer all demands, if any for James Hayward require it.

M^r Yale by order from M^r Pell (as appeared by letter of Atturney) passeth ouer to John Tompson eleven ac^s of land wthin y^e two mile, lying in the first devisision of M^r Newmans

* See N. H. Colonial Records, i, 479; from which it appears that Hayward died in 1648-9.

qrt, betwixt the land of Richard Mansfeild and y^e land of William Judson.

M^r Yale also for M^r Pell passeth ouer to Jervise Boykin 12 ac^{rs} of land wthin the two mile, in y^e third deivision of M^r Newmans quarter, next the land of Jervise Boykin.

M^r Yale also for M^r Pell passeth ouer to Thomas Wheeler 12 ac^{rs} of land wthin y^e two mile, lying in the second deivision of M^r Newmans qrt, betwixt the land of William Judson and Robert Talmage.

Richard Osborne passeth ouer vnto John Coop^r and Abraham Dowlittle all his land and accommodations w^{ch} was given him by the Towne, except his home lott and his land in y^e Necke & his meddow: he also paseth ouer to them three ac^{rs} of meddow w^{ch} he bought of M^r Evance, w^{ch} was parte of M^r Trobridge his meddow.

John Coop^r paseth ouer to Ephraim Penington foure ac^{rs} of meddow lying in y^e east meddow on the further side of y^e river: M^r Malbons meddow on both sides: Francis Newmans meddow betwixt y^e vpland and it: the other end buts vpon y^e river: /

[88] Widdow Banister passeth ouer to Thomas Wheeler all the meddow that was Henry Stonhills.

Robert Johnson, Thomas Johnson, and Samuel Farnes were complained of for cutting wood in the cow pasture, and not cleering away the bodies of the trees, and the small wood and brush wood that growes aboute it, according to order. They said they intended to doe it, but there are diueres other persons that haue cut wood there also: and presented a note of their names. They were told the Court will give them a weekes time from this day to doe it in, and they were wished to take care that it be done according to order; and they may call vpon the rest that they knowe haue cut wood there to doe their parte: but every man that neglects to doe his part in the weekes time given, the Court will proceed to fine him, according to y^e nature of his offence.

M^r Goodanhouse hauing made an attachm^t vpon a steere of M^r Pells, w^{ch} steere M^r Bryan of Milford saith is his, and was sould to him by M^r Pell before the attachment was made, and so saith M^r Pell; M^r Goodanhouse desired the thing might bee cleered to bee so, or that hee might haue the fruit of his attachment; but

because M^r Bryan nor none for him was here to answer, the Court refferred it till the next Court; and wished M^r Goodanhouse to give M^r Bryan notice to appeare here the next Court to cleere his right: else the Court will proceede.

An Action was entred by John Downes against M^r John Caffinch for a debt of fifteene pownds, w^{ch} M^r Caffinch confest he owes to John Downes, as parte of his portion left in the hands of him y^e saide John Caffinch; but after some debate aboute the buisnes, both parties agreed to refferr the matter in question to arbytration, both in what John Downes shall bee pd this fifteen pounds, and what he shall haue for forbearanc of it since it was due. M^r Caffinch chose M^r Robert Newman for his arbytrato^r, and Jn^o Downes chose Edward Wigelsworth; but because neither of these men are in Court, if either of them refuse, that partie hath libberty to chuse another, provided that they chuse a man that is to the Gouvernors or M^r Goodyeares satisfaction; and if them two arbytrators cannot end it, they haue libberty to chuse a third man as vmpier to issue it; but if they two cannot agree of that third man to both their satisfactions, then the Court will chuse the vmpier; and if yet the buisnes cannot by them bee issued, the Court will consider it againe and determine: /

Thomas Langden and his wife, being Court warned to appeare at this Court, appeared not, but the Court was informed that he is gon away to Milford, not regarding the warning, though it was given in open Court, nor so much as asking leaue, nor acquainting any Magistrate wth it. Wherefore the Court ordered that the Secret^y should wright to Capt Astwood, to desire him that he would call Thomas Langden and his wife before him, and take securitie of him for their appearance he^{re} the next Court; for the Court lookes vpon this cariage of theires as a contempt of the Court, w^{ch} is an addition to their other miscariages: /

[89] A wrighting vnder William Moris his hand, testifying of sundrie euill speeches w^{ch} Goodwife Langden spake against Hannah Fuller, was read to the Court: to w^{ch} Goodwife must answer when present: /

M^r Thomas Yale acquainted the Court that he was desired to giv in his brother Hudsons marriage* to the Secretary, and hee

* John Hudson married in September, 1651, Abigail Turner, a sister of Thomas Yale's wife.

intended to doe it, but quickly after he saw his brother Hudson speaking wth the Secretary, and thought hee had done it himselfe, but was mistaken: but seeing the case was so, he desires the Court would pass by the fine in that case. The Court considering the circumstances past it by wthout a fine for this time: /

AT A COURT HELD AT NEWHAVEN THE 4TH OF MAY, 1652

Richard Osborne hath sould and now passeth ouer vnto John Wakefeild his owne home lott w^{ch} was given him by the Towne, and that home lott he bought of Mathew Moulthrop, and all the houses vpon them both: /

John Vincon passeth ouer to Isacke Beecher 6 ac^{rs} of land at the plaines, lying betwixt the land of John Sacket and y^t w^{ch} was Thom Munsons.

Widdow Walker passeth ouer to Isacke Beecher 8 ac^{rs} of land at the plaines, lying betwixt the land of Robert Pigg & Ralfe Dayton: /

William Daus, Administrato^r for James Haywards estate, passeth ouer to Rogger Allen the house & home lott that was Henny Stonhills: /

John Tompson passeth to Edward Parker 5 ac^{rs} $\frac{1}{2}$ of land of that he bought of M^r Pell, entred at a Court, Aprill 6th, 1652.

John Tompson passeth ouer to Jeremiah How 5 ac^{rs} $\frac{1}{2}$ of that land he bought of M^r Pell, entred Aprill 6th, 1652.

Jervice Boykin passeth ouer to John Tompson 6 ac^{rs} of land in y^e 3^d devisiion of M^r Newmans qr^t, lying betwixt the land of Jervice Boykin and y^e land of William Judson: /

John Tompson passeth ouer to Thomas Wheeler the 6 ac^{rs} of land next before mentioned, &c.

Jervice Boykin passeth ouer to Mathew Camfeild 4 ac^{rs} $\frac{1}{2}$ 20 rod of meddow, w^{ch} is part of a parcell of meddow y^e sd Jervice bought of M^r John Bracy, and lyes in y^e West meddow betwixt y^e meddow of Jervice Boykin and John Gibbs.

Mathew Camfeild passeth ouer to John Gibbs the forementioned parcell of meddow, &c.

Thomas Beament passeth ouer to Isacke Beecher 6 ac^{rs} of land at the plaines, lying betwixt the land of Henry Bristow and Willm Russell.

Thomas Meekes passeth ouer to James Byshop his house and home lott, w^{ch} was Captaine Turners: /

An Inventory of the Estate of John Walker, late of New Haven, deceased, was p^rsented to y^e Court amounting to , taken y^e 22th of Aprill, 1652, prised by Mathew Gilbert and Francis Newman; and Grace Walker, widdow of the deceased, now in Court, testified vpon oath that to her best light & knowl-edg it is a true and full Inventory in all the parts of it: and Mathew Gilbert and Francis Newman testified vpon oath that the apprisment is true and just according to their best light: /

[90] M^r Caffinch declareth that when his brother Sam Caffinch went to England, he left a bill in his hand to receive of M^r Atwater fiteene pounds w^{ch} was due last February, to be pd in currant paye in New-England; but now M^r Atwater puts him of, and would not paye it, or if he doe, yet it is in such paye as answers not y^e bill, viz^d wampome that is naught & not fitt to pass in this payement.

M^r Atwater answered that he expected not to haue heard of this demande till his brother Samuell came againe, but when he saw that M^r Caffinch would not forbear, he then desired M^r Caffinch to issue all other acc^{ots} betwixt them, and he would paye what remained due in y^e suitablest paye he could: and tendered him such wampome as he received for currant paye; but if that satisfyed not, he would then refferr the matters to arby-trators indifferently chosen to issue it: but M^r Caffinch refused and would haue issued by the Court: /

M^r Caffinch replyed that he knowes not that he owes M^r Atwater any thing, but if hee can prove that he doth, he is ready to satisfye him: but he expects to be pd this fiteene pounds: /

M^r Atwater was told that if hee haue any thing to demand of M^r Caffinch, he may enter his action and declare against him: and therevpon M^r Atwater entered his action and declared that there is due to him from M^r John Caffinch, as Executor to Thom Caffinch,* five pounds w^{ch} was given him as a Legacy by the said Thomas Caffinch: w^{ch} M^r Caffinch refuseth to paye: also, there is due to him vpon acc^{ots} as appeareth in his booke 25^s and to the Towne for rates 16^s: /

M^r Caffinch answered that by the will it doth appeare that hee is not to paye the five pounds till he receive it from England;

* Thomas, brother of John and Samuel Caffinch, died in 1647.

for the five and twenty shillings in his booke, it is ouer paid by five weekes of his servants time, that hee kept calues at David Atwaters* farme, and M^r Atwater promised to paye him; for the 16^s for rates he is ready to paye it. The Court considering what M^r Caffinch said, called for the will of Thomas Caffinch: and vpon perusuall thereof found that y^e five pound mentioned is to be paid when it comes from England; and told M^r Atwater that it appears the money is not due to him till M^r Caffinch receives it, or that he can proue M^r Caffinch might haue received it or shall otherwayes dispose of it. M^r Atwater said M^r Caffinch hath had goods come ouer from England since that. M^r Caffinch replied that it is not that money out of w^{ch} he should haue his five pound: and he hath sent for it but cannot haue it. This matter of the 5^l being darke, and neither partie being fitted to make cleere prooffe, they were willing it should be refferred till they might see whether Samuell Caffinch come ouer from England this summer, or that there may be some letters further to cleere the case. For the 30^s demanded by M^r Caffinch for his mans time, M^r Atwater said it is true that the youth kept calues for sundrie folkes at his brothers farme, and there were two or three of his; but he knowes not that euer he promised to paye him for his mans time, and can take oath that to the best of his remembranc he did not promise it. [91] M^r Caffinch said he can safely take his oath that M^r Atwater did promise to paye him. The Court considering how vncomfortable it may bee to take oathes in this case, there being no other prooffe to cleere it but the parties themselues, and a note now being found, whose the calues were that were kept, advised them to gather vp the money of the owners; but M^r Caffinch refusing to gather it in that way, M^r Gibbard promised to take some paines in it, to see what may bee gott, that so this matter aboute the calues may be issued, or at least forborne till it may appeare what can be done in it: /

For the fifteene pounds due to M^r Caffinch by bill, the Court declared that M^r Atwater must paye it, onely the 25^s due to M^r Atwater by booke and the 16^s for rates must be deducted; the rest M^r Atwater promised to paye in cattell, at the price M^r Gilbert and Fran. Newman (whom they chose before the Court) should prise them; M^r Caffinch required satisfaction for the forbearance of his money, since it was due, w^{ch} is somewhat aboue

* Brother of the defendant, Joshua Atwater.

two monethes; and for the Action, the Court declared that M^r Atwater should allow M^r Caffinch for forbearance of thirteene pounds for two monethes, after the rate of tenn in the hundered for a yeere; and that he paye for the Action three shillings, foure pence: /

John Tompson, the sonn of Anthony Tompson, late of New-haven, deceased, acknowledged now in Court that he hath received of his mother full satisfaction for the portion left him by his father, and doth hereby fully acquit and discharge her of the same, and that he will be ready to seale a release to that purpose if it be required: /

Thomas Johnson, one of the viwers for fences, complained of 18 rod of Martin Tichennors fence to be naught, so as it will not keepe hoggs out of y^e quartr nor some of it great cattell. Martin said he received it of William Seaward for good, and, beside, some of it belongs to M^r Gilbert. Thomas Johnson said that William Seaward told him, it was all Martin Tichennors. The Court told Martin that they must take the viwers word that the fence is not sufficient; therefore he must paye as a fine to the Towne for 18 rod of fence w^{ch} is naught 18^s, w^{ch} yet is not so much as is exactly to the Order; and he must looke that the fence bee forthwth mended, else further fines will be laide, and damage required if hurt be done thereby: and if any of the fence belongs to any other man, he may helpe himselfe as well as he can: /

Robert Meaker and his wife* were called before the Court & told they are both charged wth a high breach of the law of God, in committing fornication, defying one another before marriage. They confest the fact, that they had so defyled one another, and said they were sorey for it. He was told it hath bine rported that hee made her drunke wth strong water, and then did it: he said he cannot owne it: he was told that they haue both said she was so fast asleepe at that time as she knew it not: he said he neuer said so, and she also denyed it, and said she did know; but after by Goodwife Beecher, y^e midwife, it was proued to their faces that he said so, that he found her asleepe & acted his fylthynes & left her asleepe, and that she said she neither knew him nor felt him; and Goodwife Meaker now confest she did say

* Susan Turberfield, mentioned above, p. 62.

so, and he said hee was in a hurry, and remembers something but not all: he was asked what y^t is he remembers, but he would not tell. The Court considering the fact, the confession, and prooffe, declared by way of sentence that Robert Meaker and his wife for this their filthynes bee both whipped, and that they paye for their lying according to the Order, that is, each of them tenn shillings, and Robert Basset & William Meaker were security for them in a bond of tenn pounds till to morrow, when they are to receive their correction: /

[92] A case concerning a steere of M^r Pells attached by M^r Goodanhouse, refferred the last Court, was called vpon, and some testimonies w^{ch} were sent reade, but neither plan^t nor defend^t appearing it was respited.

The Marshall informed the Court that William, an Indian, his child lost some beads and wampome, w^{ch} he saith are to the vallew of 4^s 6^d, w^{ch} M^r Gilberts boy found, and James Till got them from him and promised him some aples: the Indian gott them cryed, but could not heare of them: after, it was found out that James Till had them, and the Marshall spake wth him, and James promised to paye 4^s 6^d that night, but that night he runn away; now the Indian desires he may haue it out of James Tills estate. The Court considering that it is to an Indian, and that he gott it cryed, and caried it as he did, Ordered that he should haue 4^s 6^d paid him out of James Tills estate: /

M^r Gibbard informed the Court that James Till owed him 6^s for some grass he mowed of his, and desired he might haue his proportion among other creditors:

Thomas Langden was called, and vpon his appearanc was told that he and his wife was bound ouer by Captaine Astwood to appeare here, at eight a clocke, to answer for his wives disorderly inviteing M^r Cranes maide in the night to her house to eate a sacke posset, wth an intent to haue her meete a young man there, wth a purpose to drawe on a treaty of marriage, wthout parrents or masters consent: and when his wife was sent for before the Gouverner and examined, she denyed it, though she knew it was true, and did aboute that time confess it to M^r Crane; beside he hath caried it contemptuously to the Court, for when he was in March last warned in open Court to appeare at the next Court in Aprill, yet he goes away wthout asking leave of the Court or

any Magistrate. He was further told that his wife hath spoken naughty, sinnfull, corrupting words of Goody Fuller, w^{ch} she must answer for. Thomas Langden said that his wife cannot be heare because of a child he hath sicke; & to cleere it presented a note from Captaine Astwood, testifying the same, wherein also she acknowledgeth her miscariage, both in inviteing the maide, and after denying it before the Gouverno^r, and professeth her sorrow for the same and hopes it will be a warning to her for time to come. She also in that note confesseth her miscariage concerning Goodwife Fuller and prayes her to forgive her, and that the Court will be fauourable to her. For his goeing away before the Court, hee said his occasions required it, and he spake to Goodman Miles to speake to the Court for him, and he thought it might haue bine past by, for Goody Fuller the difference betwixt her and his wife is ended, and Goody Fuller being in Court testified the same.

[93] Thomas Langden was told that this is the second time that they haue fallen into this disorder, of intertaining other mens servants in the night, and so deserves the greater fine, but because of his wives acknowledgmt and promise of amendment, the Court is willing to pass the whole buisnes by wth twenty shillings fine, w^{ch} is very easy considering the miscariage it selfe, her lying and his contemptuouse cariage to y^e Court. For Goodwife Fullers buisnes, seeing she is satisfyed, the Court layes no punishmt vpon his wife for it, but for the words the Court must witnes against them as bass, sinnfull, corrupting words, and wish her to beware of such cariag hereafter.

Thomas Langden was also required to paye a fine of twenty shillings formerly laid for the like disorder, and 5^s he owes the Towne for rates, all w^{ch} is forty five shillings, w^{ch} he promised to paye, onely desired he might paye it to Capt Astwood at Milford, because his Estate is there, and y^e Court was content that vpon his paying of Capt Astwood 45^s for this towne, he should release him of his bond: and ordered y^e Secretarie to wright to Capt Astwood to informe him thereof: /

Goodwife Fuller was required to give security for her childs portion. She said she knew not how to doe it: the Court looking vpon her as vnprepared to answer at p^rsent, and considering y^t Jonathan Marsh her brother stands security for a considerable

parte of the estate, wished her to prepare herselfe and ordered her to attend the next Court of Magistrats vpon Munday come fortnight at one a clocke in y^e after-noone, that security may be given according to the Order in that case; and the Secretarie is to wright to Capt Astwood, that he would take order that Jonathan Marsh may then appeare here at Newhaven at the Court of Magistrats also: /

AT A GENERALL COURT FOR NEWHAVEN THE 10TH OF MAY, 1652

M^r Gibbard and Francis Newman were chosen deputies for the Jurisdiction Generall Court, as occasions doe require for the yeare ensuing.

M^r Gibbard, Richard Miles, Henry Lindon and Francis Newman were chosen deputies for the particular Court of New haven for the yeare ensuing: /

Francis Newman was chosen Treasurer for Newhaven for the yeare ensuing: /

Francis Newman was chosen Secretarie for the yeare ensuing.

Thomas Kimberly was chosen Marshall

Francis Newman was chosen Leivtennant for Newhaven.

Henry Lindon was chosen Ensigne for Newhaven.

Samuel Whitehead was chosen Townesman in y^e roome of Mathew Camfeild: and William Russell chosen Townesman for y^e banke side against y^e harbour, and y^e Creeke as farr as Robert Piggs: /

[94] Jervice Boykin was chosen Corporall in y^e roome of Phillip Leeke (whoe desired to laye downe his place) and he is to attend the squadron for the watches, both for the night, and for the Lords dayes and Lecture dayes, because Serjant Andrewes is not well to attend it; and while he so doth, he is to bee freed from watching himselfe: /

William Russell was chosen Corporall in y^e roome of John Moss, because he is gone to live at y^e farme, and cannot attend y^e service at y^e Towne: /

The Towne was informed that Serjant Andrewes desires that an issue may be put to that proposition he made aboute his land, w^{ch} he was willing the Towne should haue for five pounds; but because they haue so long delayed, and he hath parted wth some

cattell to paye some ingagements w^{ch} that should haue done, he now desires libbertie to sell it to y^e Indians who offer him as good as twenty pounds for it. Vpon consideration hereof, the Towne declared themselues that they thought it would not be convenient nor indeed safe to let that land returne againe to the Indians, and also that the Generall Court for the Jurisdiction might first be acquainted wth it, and that if they see cause an Order might be made to restraine any from selling land backe to the Indians; but did now Order that Serjant Andrewes should haue five pownds p^d him for this land out of y^e Treasury, and that it be not returned to y^e Indians till y^e Gen: Court bee acquainted wth it: /

It was propounded and complained of, that the Order enjoyn- ing men to turne and keepe their dry cattell and swine according to their severall interests, that way where theire land lyeth, is litle attended, many turning of their cattell ouer to the east side, whoe haue no right so to doe, and there by more damage is done to y^e meddowes than otherwise would be, and other mens cattell who haue right there haue not the feede they might haue, and that much of the land is not burnt, by w^{ch} meanes the feede becomes the worss: and that y^e Orders for stinting of swine, and enjoyning none but planters to keepe cattell or swine wthout leaue, is not attended: The consideration and reformation of all w^{ch} particulars were refferred to y^e Townes-men, and it was Ordered that every man doe forthwth bring in to y^e Townesmen of his quarter, what cattell & swine he hath, and where they goe and by what right, and if any refuse or neglect so to doe, he is (vpon complaint of y^e Townesman) to be fined for the same: and the Townesmen are desired to take care that y^e Orders made and in force be from time to time duely attended.

A complaint was made that y^e most of the good wampome is chosen out and sent away, or improved for other trade; and that litle other but refuse wampome passes in y^e Towne for payement of workemen debts and other occasions; wherevpon y^e deputies chosen for y^e Jurisdiction Gen: Court were desired to consider and propound it, that either none but tradeing wampome might pass, and that some one may be appointed (when there is cause) to veiwe and judg of it, or that some other course may be settled as that Court shall judg meete: /

John Thomas was chosen veiwer of fence for y^e quarter where he lives, in y^e roome of Mathew Camfeild who is gone:/*

The Towne was acquainted that old Bunill refuseth to let his sonn be put forth as an Apprentize, according as they gave Order he should: where vpon y^e Towne declared that his weekly allowance should be wthdrawne, for they are not willing to maintayne the boy at home, when he may be put out so as will be both an advantage to y^e family in a cow that is proffered for him, w^{ch} will be a good help to keepe them, and for the good of y^e boy, who now for want of due nurture growes rude and offensive:/

[95] AT A COURT HELD AT NEWHAVEN THE FIRST OF JUNE, 1652

Some difference betwixt M^r Atwater and M^r Caffinch form^ly in question, aboute M^r Caffinche his man, keepinge calues for M^r Atwater, is by the advice of the Court thus agreed: that M^r Atwater paye to M^r Caffinch twenty shillings for his mans time, and M^r Atwater is to take of those that owed y^e calues w^{ch} were kept what he can get toward satisfaction for his money:/

Jonathan Marsh and Widdow Fuller (his sister) appeared as they were Ordered by the Court of Magistrats to doe, to giue security for the portion of Goodwife Fullers child. Jonathan Marsh said that hee now sees he fell into an ingagem^t beyond his expectation, but hee considers there may be a providence of God in it, for the good of the child; therefore he is willing to stand ingaged for the twenty five pounds. He was told he must understand that if other meanes fayle, he must paye the five & twenty pounds to the child when it comes at age. He said he should stand ingaged for that somme, but would haue his sister secure him that hee may not suffer, w^{ch} she promised to doe wthin a short time. The Court told Goodwife Fuller y^t it is a great fauour of her brothers to her, and she should be carefull to see that hee doe not suffer, and for the remaining p^t of the portion the Court must looke to her for it, but shall not at this time trouble her any further; and in the afternoone a bond was drawne vp and sealed by Jonathan Marsh, wherein it appeares that

* Removed to Norwalk.

Jonathan Marsh stands bound for the payment of this five and twenty pounds :/

AT A GENERALL COURT FOR NEWHAVEN TOWNE YE 7TH OF
JUNE, 1652

The Orders made at the last Generall Court were read, wherein it appeared that the Estate of the Towne is to be gathered vp into one somme some time in this moneth, for the levying of the Jurisdiction rate: w^{ch} is Ordered to be done by the Townesmen at present, and so successively, and every planter at the Towne and at Farmes is to bring their Estate in to the Townsman of their quarter where they live, betwixt and the last day at night next, vnder the penaltie formerly ordered, both for not bringing in wthin the time, and also for bringing in a false or imperfect account. The Farmes on this side the east river are to bring in to Francis Newman: those on the other side y^e east river wth James Clarke & Geo. Smith to Samuell Whitehead: those at Stony river to Jn^o Coop^r; those at the necke or South end to Henry Lindon; M^r Goodyea^rs farmer and those at Chesnut hill to Richard Miles; those at the plaines to William Fowler; and it is further Ordered [96] that one whole rate be p^d into the Treasurer betwixt this and the last of July next, for payement of their debte to y^e Jurisdiction :/

The Gouverner informed the Towne that one of Norwalk had bine wth him, to desire libbertie for M^r Handfords remoue to be helpfull to that plantation in the worke of the ministry; also M^r Handford himselfe who saith he finds his body vnable, and that it will not stand wth his health to goe on in this worke of teaching scoole, and therefore desires libberty to take his opportunity; w^{ch} libberty he did reserve when he agreed wth y^e Towne: the record of w^{ch} Agreem^t being read, it so appeared, & therefore if his minde was so sett they could not hinder him, but a convenient time of warning was desired, w^{ch} he granted, if it were a moneth or two.

Brother Davis his sonn* was propounded to supply the scoole masters place, and y^e Magistrats, Elders and deacons wth y^e

* John, son of William Davis had been graduated at Harvard College in 1651.

deputies for the Court were chosen as a Committee to treat wth him aboute it:

M^r Joshua Atwater was chosen deputie for the particular Court of Newhaven in the roome of Francis Newman.

Francis Newman desired the Towne that they would chuse anoth^r Leivtennant, and release him from that service, for hee finds it will not stand wth his health to goe on in it; wherevpon he was freed from it, and Serjant John Nash was chosen Leivtennant for the ordering of the Millitary affaires of the Towne of Newhaven.

Corporall Samuell Whitehead was chosen Serjant in the roome of Serjant Nash.

Rogger Allen was chosen Corporall in y^e roome of Sam. Whitehead.

It was propounded that those w^{ch} are behinde in paying the colledg corne, would bring it in; else, hauing once ingaged, they must be compelled.

Jeremiah Whitnel and James Bishop were chosen collectors for to gather the colledg corne for the yeare ensuing: /

M^r Goodyeare propounded to knowe if the Towne were willing to afford help by labour to bring the Beavo^r pond spring to the Towne to drive a mill or two; for by discourse wth some worke-men he findes the thing may be done: but if they will afford labour, if the thing should fayle, he would pay them, and beare the loss himselfe. The Towne desired some w^{ch} haue best experienc in such workes may be spoken wth aboute it for advice, as Levtennant Gardiner, if it may be, Geo. Laremore, Lawranc Ward, Leivtennant Swaine, old Bassett, John Brocket, and Goodman Judson,* or any other, and if it be likely that the thing may be done, they will afford labour as much as shall be thought fitt: /

[97] Jeremiah Osborne was complained of for spoyling mens hides in y^e taning of them, and was told if he can doe no better, the Towne must thinke of some way how to get another w^{ch} may doe it better: he said he cannot doe it so well as he should, because he hath much other buisnes.

* Besides the residents of New Haven in this list, Lion Gardiner was the distinguished proprietor of Gardiner's Island, and Lawrence Ward and Samuel Swaine were of Branford. "Old Bassett" was John Bassett, whose sons were in active life. Laremore is a variation of Lorimer.

It was propounded that there might be some keepers got to keepe dry cattell, w^{ch} doe much spoyle the meddowes, because none lookes after them, beside other loss w^{ch} comes many times, and also for calues w^{ch} are bred vp, many of w^{ch} it is conceived are lost for want of keepers; but it was defferred to another time.

It was propounded that some course may be taken to prevent y^e spreading of sorrill in the corne feilds, but refferred also till another time: /

The Magistrats and Deputies were appointed to audit y^e Treasurers acc^{ots}.

It was propounded that new veiwers for the fences might be chosen for the yeare ensuing, and accordingly it was done: M^r Augar and Thomas Moris were chosen for M^r Eatons quarter, M^r Dauenports quarter and the Oystershell feild; Richard Mansfeild and Robert Talmage for the quarters from the cowpasture way to the mill highway; James Bishop and Allen Ball for the quarters from the oxpasture way to Millford highway; John Thomas and Richard Beech for the quarters from Millford highway to the sea side; Joseph Nash and Samuell Whitehead for the feild from the Gouverners lott towards the Mill, as well that fenced in this yeare as that before; John Coop^r and John Brocket for the new feild in the oxpasture; and before the old veiwers are freed, they are to show the new veiwers euery mans fenc, where it begines and where it ends, and see that the fence be sett in good repaire, or else complaine of it; and this is to be done the next view: /

M^r Caffinch propounded to the Court that he might be freed from trayng, because of some weakness w^{ch} lyes vpon him that disables him for the service. The Court not willing to doe any thing in it at present refferred it to the Company that if all was satisfied in it, while this weakness continewes he might bee freed.

AT A COURT HELD AT NEWHAVEN THE 3D OF AUGUST, 1652

William Fowler hauing power from Thomas Buckingame of Millford, as himself and Richard Miles testifyeth (but he is to bring Thomas Buckingham to the Secretary further to cleere it),

passeth ouer to John Gibbs one peece of land, conteyning neere one acer, lying against Henry Glouers house, one end butting vpon the streete, betwixt the land of Richard Miles and y^e land of William Daus.

M^r Ling, y^e Clarke of the band, complained that the watch was neglected 3 or 4 nights, w^{ch} they searched into, and found that there had bine a mistake amonge the officers; and some of [98] them w^{ch} might cleere it not being in Court, it was refferred to a private meeting of the Court wth the millitary officers, w^{ch} is to be the next sixt day of the weeke at six a clock in the after noone, to search further into the buisnes, and to doe in the case as they see cause: /

Thomas Lamson was complained of for neglecting his wach, w^{ch} hee confest hee did, and is sorrye for it, but the occasion was that hee coming weary home and not very well & the weather being rainy, he yet prepared himselfe to goe, but afterwards laye downe vpon his bed and fell asleepe, & waked not till the time of the first watch was past. The Court told him it is a great neglect, and he must paye the fine, w^{ch} by the Order is five shillings; but for this time, considering what he saith and hoping it will be a warning to him, they are content to pass it wth halfe, w^{ch} is 2^s 6^d, w^{ch} he must paye to the Towne: /

John Downe was complained of for neglecting his watch one night: he said it is true hee did not watch, because he was at Henry Hummerstons house, but he spake to one to watch for him, and thought he would, but he did not. He was told he might haue come from that farme to the Towne to watch: therefore it was his neglect, but because he tooke some care to provide, the Court is willing to pass it wth halfe y^e fine, and therefore he must paye to the Towne for this neglect 2^s 6^d: /

Nicolas Camp of Millford and Kattern his wife, w^{ch} was the wife of Anthony Tompson of Newhaven, appeared before the Court, and declared that they had before marriage agreed to paye to Hanah, Liddia, and Eben-ezer Tompson, the chilldren of Anthony Tompson by the said Kattern his late wife, the somme of twenty pounds a peece when they shall come to the age as followeth, the sonn at one and twenty yeares, and the daughter at eightene yeares of age or day of marriage w^{ch} comes first, and for the security hereof the said Nicolas Camp ingageth himselfe and his whole estate both land and goods to this Court till

they shall haue more light and see cause to take a more particular ingagement: /

William Potter was complained of for neglecting to trayne one day: M^r Atwater said William Potter was wth him and desired him to informe the Court that he sent his sonn one day w^{ch} was appointed, but the trayning was put of, and the next day fearing his sonn should lose his labour againe, and hauing other vrgent buisnes, sent him not, but he leaues it to the Court; who saw nothing in what he said to excuse him; therefore Ordered that William Potter pay y^e fine, w^{ch} is 5^s.

[99] Further, the Court was informed that there is some rates behinde of William Potters, w^{ch} he thinkes he should not paye; it is for the land at his farme he bought of M^r Newman and injoyed not till the crop was of. The Court declared, that for the land sowed or planted by or for M^r Newman, he should not paye for till the crop was of, but for all the other inclosed land, and what meddow he had last yeare, he the s^d William Potter should paye for it: /

Phillip Leeke was complained of for being behinde in his rates to y^e Towne. He said hee had three trees taken away by the Towne w^{ch} he had libertie from the Gouverner to fall. He was told he must proue that the Towne gaue any man any order to seize any trees of his, for they know no such matter; but howeuer that may be further cleered, yet he must not stop his rates, but speedily paye them; if not, it must be taken by seizure: /

Lancelot Baker was complained of for not paying his rates. He promised to pay them in a verey short time. He was complained of for not bringing the name of his child to y^e Secretary in season. He said he knew not the order, nor was he at home of a long time. The Court for this time past it by wthout a fine: /

John Beech passeth ouer to Lancelot Baker his house and home lot w^{ch} he the said John bought of Arthur Holbich, lying betwixt the house and home lot of Henry Pecke and William Pecke, and 12 ac^s of land of the second deuission lying on the west side, w^{ch} is all the second deuission w^{ch} belonged to the lot of Arthur Holbich, be it more or less: /

John Tompson, naylor, passeth ouer to Joshua Atwater all his land in Newhaven, viz: 5 ac^s of meddow and 24 ac^{rs} of vpland,

be they more or less, w^{ch} he the s^d Jn^o bought of Christopher Todd, and lyeth betweene the lands of the said Joshua Atwater on the one side and y^e Necke on the other side, and 20 ac^{rs} of vpland on the west side amongst y^e small lotts, and his right in y^e oxpasture :/

Thomas Wickam was complained of for not paying his rates ; w^{ch} hee owned and after some speech wth M^r Goodyeare aboute some worke hee had done for him, M^r Goodyeare promised to paye for him ; further, hee was complained of for not bringing the name & birth of his child to the Secretary in season ; he said he is a stranger and knew not y^e order, vpon w^{ch} consideration the Court past it wthout a fine, paying the ordinary fees w^{ch} is 3^d :/

The Court, on the behalfe of those w^{ch} shall appeare to haue right to the estate of Robert Parsons, paseth ouer to William Pecke the house w^{ch} the said Robert bought of John Budd, w^{ch} William Pecke is to giue twelue pounds for in good cuntry paye, and y^e said William declared that he is willing to keepe it in his hand and giue security for it and some allowance as the Court shall thinke just, w^{ch} the Court approved of and told him if he thought good they would make it vp twenty pounds w^{ch} he should haue vpon good security and just allowanc ; w^{ch} William Pecke agreed to, onely the full issuing of it is refferred to y^e next Court, but if the buisnes go on, the time is to begine from this day :/

Whereas, June 25th, 1650, Wash, an Indian, complained of a seaman w^{ch} went in Michaell Taynters vessell, that he had broke his [100] arme, and vpon examination and the judgment of M^r Augar and M^r Besthup found to be so, the said Wash refusing any satisfaction but healing, the said seaman was to giue security to paye for healing, or goe to prison, and Phillip Leeke and Edward Camp became security for him in a bond of tenn pounds ; and M^r Besthup tooke the Indian in hand to cure and by Gods blessing effected it ; and the said Wash being healed & satisfied, as Edward Camp testified ; and the said Wash acknowledged before me, Francis Newman ; and vpon a note from John Har- riman y^t he and M^r Besthup are satisfied for the dyet and cure of y^e said Wash ; the Court freed the said Phillip Leeke and Edward Camp from their bond and ingagement, they takeing care that the ordinary charges of the Court be paide :/

Luke Atkinson is to be warned to the next Court for a contempt in not app^ring now.

Martin Tichennor informed y^e Court that the fenc w^{ch} he was fined 18^s for, was not all his; hee was told that the viewer said it was and they must beleeve him, till he can better cleere it: /

The Court attached in Martin Tichennors hand 9^s 5^d for a debt Willm Seaward owes to the Towne, and Ordered him not to paye William Seaward any 'rent till the Towne be satisfied: /

Robert Meaker and his wife were called before the Court, and she was told she hath bine oft sent for to receive the punishment w^{ch} the Court ordered her to haue for her sinfull filthiness; she said she hath deserved it, and desires to beare what God layes vpon her for her sinn, but she is verely ill and not able to beare it; she was told she is well inough to goe vp and downe y^e Towne and to the farmes; if there were indeede an apparrent weakenes vpon her, or that she was wth child, the Court might consider of some fine; but no such weaknes appearing, and the other not being alleadged, they thought it their way and ordered that the former sentenc be executed, yet wth due moderation, in respect of some illnes she saith is vpon her; w^{ch} was accordingly don when the Court arose: /

Robert Meaker was complained of for not bringing in a note of his marriage to the Secretary in season: he pleaded ignoranc of the Order, not being a planter and therefore not attending Courts, but so soone as he heard of it he did doe it. The Court considering what he said past it by wthout a fine: /

AT A COURT EXTRAORDINARY; AUGUST 7TH, 1652.*

AT A COURT HELD AT NEWHAVEN THE 7TH OF SEPTEMR, 1652

William Paine, for want of halfe a pound of po^r when his armes was veiued, was fined two shillings six pence.

Phillip Leeke, for want of one pound and a halfe of powder for himselfe and men, was fined seaven shillings six pence; but

* The record of this Court is omitted, as undesirable for publication.

hee, and so the rest that were fined for the like defect, were tould that the fine for any defect is tenn shillings by the Gen^{ll} Courts Order, and wished all to looke to it that they keepe their provisions full, according to the Order, for hereafter the Court will not pass such faults wth so littell fine: /

Thomas Lamson, for want of one quarter of a pound of powder, was fined one shilling three pence: /

John Benham was complained of for a defective gunn; he said he could not gett it mended, though it had bine long at the gunsmithes for a new touchhole, but was told if he would haue worked for the gunsmith, hee would haue mended it, but the next Court by Corporall Nash hee proued that he then had two gunns in good order, beside that defective one, w^{ch} two was for him and his sonn; so it past wthout a fine: /

Abraham Dowlittell was complained of, for want of at least 1^l bullitts and for want of armes for his man; hee said his man is of small groweth and hee cannot gett armes to fitt him, but hee will speedily provide for his bullitts; he thought he had enough, and is now supplied. Hee was tould for his mans armes, hee must provide against next veiwing day, else he will be fined seveerly, and for want of bullitts the full fine is 10^s, but now y^e Court past it wth 18^d: /

Thomas Wheeler was complained of for want of one pound & a halfe of powder, and for want of a sword for one of his men, and for a defective gunn; he said hee had more po^r in the house then hee showed, halfe a pound at least, and hee had bought three pound more of Nathaniell Whitfeild, onely it wanted fetching; for his gun, it onely wanted oyle; and for the sword, hee had one, and thought hee should haue bought it, but the owner fetched it away and so hee is destitute, but now heares where hee may haue one and he shall quickly bee supplied. For the po^r, the Court tould him it is cleere he showed no more but so much, as he wanted 1^l and a halfe; if hee had bought more that will not serve, for hee is to haue it allwayes by him; therefore he must paye for that seaven shillings six pence; & for the sword and gunn it is respedited for further information: /

Nathaniell Whitfeild was complained of, that his armes were not ready when the Serjant came to veiwe them; hee said it is not long since hee heard that hee should beare armes, but

when hee heard hee indeavored to fitt them vp, but he being much abroad the last moneth past they were not so ready as they should, but now they are ready. He was tould hee should then haue carried them to y^e officer & showed them, w^{ch} he owned as a neglect; but for this tim the Court past it wthout a fine:/

[103] James Bishopp, for want of one quarter of a pound of po^r was fined 15^d; but y^e next Court vpon satisfying ground y^e Court remitted it:/

Thomas Johnson and Samuell Farnes was warned to y^e Court, but appeared not, w^{ch} the Court looked vpon as a contempt and therefore are to be warned to the next Court to answer for it:/

M^r Atwater was complained of because his armes were not ready and his gunn not at home; he said it was; it is respited till y^e next Court, wⁿ Serjant Fowler is to be here to informe how it was:/

Robert Hill was complained of for comeing late to trayne; he is to paye 12^d fine, or come to y^e next Court:/

Timothy Ford was complained of that he lacked some bullits; he said in y^e place from whence hee came* they had but halfe a pound of po^r and two pound of bullits, but when he came here hee understood the Order was as much more, and he endeavored to provide himselfe as soone as hee could, and is now provided. The Court looking vpon him as a new commmer and that hee is now fully provided, past it wthout a fine:/

M^r Crane passeth ouer to Mathew Moulthrop his whole farme at Stoney River, conteyning one home lott, a dwelling-house and barne vpon it, eyghty seaven ac^s of vpland and sixteene ac^{rs} of meddow, wth all the fences, commonage rights and privelidges belonging to the said farme:/

Richard Beckly passeth ouer to Jeremiah How his house and house lott† lying betwixt the lott of Jn^o Coop^r and Richard Mansfeild; and seaven ac^s & a halfe of vpland lying in two devisisions in M^r Newmans quarter, betwixt the towne & the Mill; and two ac^s and thirty two rod in y^e necke; and three ac^s of meddow lying vpon the great Island, betwixt the meddow of William Andrewes and Widdow Greene; and halfe his devisision of land w^{ch} is allotted to him beyond the Pine River for his second

* Charlestown, Mass.

† On the west side of Church street, at Wall.

devission; and all his commonage, and right in the oxe pasture: /

Richard Beckly passeth ouer to William Judson two ac^{rs} & a halfe of land in the first devission of M^r Newmans quarter, next y^e land of Will^m Judson: /

Widdow Banister desired the Court that they would make a devission of the estate her husband left, betwixt her and her daughter. The Court caused the will of Edward Banister to be read, wherein it appeared that hee gaue his daughter tenn pounds more of the estate then his wife; and Goodwife Banister said that tenn pounds was in the Gouverners hands to be paide in cattell, and she was asked if she had so many cattell more to lett her daughter haue as would make vp that thirty pounds to be put out for her daughters vse; she said no. She desired the rest of the estate may be equally devided betwixt them, w^{ch} the Court yeilded to as just, and desired and appointed Henry Lindon and Thomas Kimberly to deuide the rest of the estate (beside the ten pounds in y^e Gouverno^{rs} hand) betwixt Goodwif Banister and her daughter: /

THE 10TH OF SEPTEMBER 1652: BEFORE THE GOUERNOR AND
SECRETARIE: /

Mathew White whom Capt Mathew Wood (that dyed at Jn^o Harrimans the 22th of August, 1652) made ouerseer for his estate, p^rsented a will of the said Capt Woods written by M^r Goodyeere, 17th of August, 1652, witnessed by Capt Seamour Jacobson and John Harriman, and they now testified vpon oath that the wrighting p^rsented was the minde and last will of Capt Mathew Wood concerning the disposall of his estate here at Newhauen: /

Also an Inventory of the estate of Capt Wood here at Newhauen was presented, made the 7th of September, amounting to twenty five pounds [104] nine shillings nine pence, prised by M^r Mathew Gilbert, John Nash, and John Harriman; and Mathew White who was intrusted wth the estate and John Harriman in whose house hee laye, testified vpon oath that to their best light and knowledg it is a true inventory of all the estate of

Capt Wood here at Newhauen to y^e vallew of five shillings, and the three apprisers before mentioned affirmed vpon oath that the apprizment in the said inventory is just, according to their best light :/

AT A COURT HELD AT NEWHAVEN THE 5TH OF OCTOBER, 1652

Samuëll Barret was warned to the Court (and called) for a debt of thirty eyght shillings sixpence he owes to y^e Jurisdiction as part of his fine of twenty pound laide vpon him for his miscarriage; and there is three shillings due to the Towne for rates. The Treasurer said Sam: Barret was wth him and brought him a note from John Harriman that eleauen shillings of it is pd; and M^r Gilbert was wth him also and saith hee hath more of Sam Barrets in his hand then the whole debt; and by the Magistrate he was ordered to keepe it till the debt was satisfied, w^{ch} he promised to doe; Sam Barret also declared that he desired it might be satisfied this way :/

Thomas Johnson was complained of, that being warned to the last Court he appeared not, w^{ch} the Court then looked vpon as a contempt for w^{ch} he is now to answer; he said he was warned and was here in the morning, but it rained and he went home, thinking there would be no Court. He was tould his offence was great, for being warned he should haue attended or haue sought a discharge from some Magistrate; but because something is done that a show of appearanc, the Court for this time past it wth fve shillings fine, w^{ch} he is to paye to the Towne :/

Thomas Johnson was complained of for want of bullits the last time hee showed armes; he said hee thought hee had inough, but there wanted about six bullits; and it was not proued that there wanted more, so it past wth six pence fine :/

Edward Preston appeared in Court to answer M^r Thomas Pell in an action of debt, and tendered to the Court a parcell of wampom, w^{ch} hee said at six a peney comes to ten pounds two shillings eleauen pence, w^{ch} he saith is the debt M^r Pell demands; he was tould M^r Pell is not here, but the Court will take the wampom into their keeping, and if M^r Pell appeare it shall be here ready to satisfye, but his security must stand still ingaged till the buisnes bee fully issued :/

A fine of 15^d laide vpon James Bishop the last Court was now remitted, because it appeared he had his full proportion of po^r, though he then knewe it not: /

Thomas Wheelers gunn, in question last Court, was now by testimony from Serjant Fowler proued to be rusty and vnseruicable; wherefore the Court laide a fine of two shillings six penc vpon him for it; and for the sword then spoken of, it is past by wthout a fine: /

Henry Hummerston was complained of for not bringing in the certificate of his marriage* to y^e Secretary till aboute three monethes after the same: hee pleaded he was no planter, attended not Courts and knew not the Order, but so soone as he did he carried it in; wherevpon the Court past it wthout a fine: /

Richard Miles passeth ouer to Thomas Wheeler his house and home lott w^{ch} was his wiues (M^{ris} Constables) lying† betwixt the lott of the [105] said Thomas Wheeler and the lott of Joshua Atwater.

John Jones was complained of for absenc at one trayning. The Secretary said hee had bine wth him, and said the reason was because he had much hey abroade w^{ch} was wett, and hee and his man, whome he hires by the weeke, was faine to staye to dry it. The Court looked vpon it as a common case w^{ch} many men may plead, and therefore will not pass it by, but ordered him to paye the fine w^{ch} is fve shillings: /

M^r Atwaters armes, in question the last Court, was againe called vpon, but Serjant Fowler who complained not being here, M^r Atwater was ordered to bring the Serjant to the Secretary to cleere it: /

Edward Watson was called to giue security for the portions of his wiues chlldren Mary and Hanah Walker, the daughters of John Walker, deceased. The Court was informed that before his marriage wth the widdow of John Walker, he had before the Gouvernor and Secretary promised to ingage himselfe, the house, land and cattell for security of their portions, and he now said he is willing to doe the same. He was tould that whatsoeuer is ingaged, the property thereof cannot be altered wthout the Courts

* To Joan Walker, August, 1651.

† On College street, the site of Welch Hall.

consent, to w^{ch} hee agreed, but said that he desired they might take their parts in the estate as it is, the good and the bad in proportion, and if the house and land fall in price, that they might beare their share of loss; w^{ch} the Court yeilded to as just, provided that the house and land be kept in good repaire; and if it rise, that they may haue their share of proffitt; and what other goods they haue, that it be then duely vallewed as it is now; the somme of each of their portions is forty pounds a peece, and to receive it at eighteene yeeres of age or day of marriage, w^{ch} comes first; and for the full performanc hereof Edward Watson is to giue a bond, as the Gouverno^r shall giue order to haue it drawne vp:/

An Action was entered by William Judson against John Caffinch for damage in corne by M^r Caffinch fenc and hoggs also; and after much debate in Court, many differences and questions appearing, they were advised to refferre it to arbytration: to w^{ch} they both agreed, and William Judson chose M^r Linge and John Coop^r, and Mr Caffinch chose M^r Atwater and Jervice Boykin, to whom they refferre all differences and questions concerning matters of damage betwixt them; and if these foure men cannot agree it, they haue power to chuse an vmpier; and what conclusion they make in theise matters referred to them, William Judson and M^r Caffinch promise to stand to:/

M^r Tuttill for want of match is fined one shilling.

AT A MEETEING OF THE TOWNSMEN, OCTOBER 13TH; 52, CONFIRMED AT A TOWNE MEETING OCTOBER 18TH 1652.

It is agreed concerning fences, that to the two veiwers w^{ch} are allready chosen for every quarter, two men more shall be added, w^{ch} hath good skill and judgment in fences, w^{ch} two men are Samuel Whitehead and John Coop^r for the whole Towne, and that they doe veiwe the fences in the quarters, wheretoo they are appointed, speedily, and take notice of the defects in mens fence, and determine what euery man shall doe to his fence to make it substantiall, what posts and rayles shall be put in new, and what posts shall be stumped: and when this veiwe is, that every man that hath fence in any quarter (haueing seasonable

notice) shall goe or send a sufficient man wth the veiwers when they veiwe the fence of the quarter [106] where hee hath any, to take notice what they agree hee shall doe to his fence, vnder the penaltie of two shillings six pence; not disputing or contradicting what they order to be done, but dilligently applying himselfe to doe the worke. And where the fence is loggs, hedg, or both, it must be very substantiall, as all other fences, as the veiwers shall judg. And if it shall fall out that there should be a difference betwixt the two ordinary veiwers and these two now chosen, so as they cannot agree aboute any parcell or parcells of fence, in any case wherein their judgment is to pass vpon it, they shall then call in y^e two veiwers w^{ch} are for the next quarter, and as the major pt of y^m agree, it shall be determined. This veiwe to begine to morrow in the Gouverno's quarter, and so to goe on in order, one quarter after another till all the quarters be veiwed, and that every man attend the makeing of his fence, as he hath order from the veiwers to doe, so as it may be done by the middle of December next, vnder the penaltie of twelue pence, for every post or length of rayles, or the quantytie thereof, that is not done by that time; w^{ch} penaltie shall by the veiwers be given notice to the Marshall, who shall forthwth require it; and if it be not paide, he shall presently make seizure of so much of his estate who is y^e delinquent, and require him presently to doe the worke beside; and if it be not done wthin fourteene dayes, then to paye twelue pence more; and so twelue pence for every fourteene dayes, a length off rayles or a posts lyes downe or is defective so as damage may come, and all damages beside.

And in the meane time that the monethly veiwe goe on, by vertue of the same order and vnder the same penaltie as before; and to the faithfull performance of this trust that the veiwers be by oath bound therevnto; & these two veiwers now chosen are to joyne wth the ordinary veiwers in this first veiwe, and againe when the time is expired to see if it be done according to order, and are to be paid for their time out of the Towne Treasury. And to the faithfull performanc of this trust, the ordinary veiwers and these two now chosen bound themselues by oath, that when they viewe they will deale faithfully according to their light; the time and other circumstances aboute veiwing not being included in the oath, yet they bound to attend vpon the penalties in the former Order: /

Something aboute repairing of the seeling in the meeting-house, and aboute new planking the necke bridg, and mending the west bridg, and aboute some allowance to old Bunill out of the Towne Treasury toward his maintaynance, and aboute sauing the meddowes from damage by fencing or otherwise, and aboute keepers for cattell, were propounded to the Towne, but all referred to the Townsmen to consider and determine: /

William Paine who hath a peece of meddow of the Towne neere the Ferry place, and for it is to maintayne a good fenc at the hey place to secure oyster shell feild and that quarter from damage coming in there, he was told his fence stands not in the right place, but on the further side of the hey place; it should stand that so carts that come to fetch hey may not haue occasion to throw it downe to goe in. He said it was sett there onc, but the tide boyed it vp: hee was told he must take a course that it may be sett there againe, and maintayned according to the first agreement in Nouember, 1649, and y^e judgm^t of y^e p^rsent veiwers: /

It was propounded to know whether a peece of meddow form^ly giuen to Math Camfeild were absolutly giuen without condition, so as he may sell it; but y^e Court being thin, many being gon, it was respited till another time: /

[107] AT A COURT HELD AT NEWHAVEN, NOVEMBER 2D, 1652.

William Paine was complained of for three defects in his fence, w^{ch} is vn^mended after the veiwers had giuen him notice thereof, till they veiued againe; for w^{ch} he was fined three shillings: /

Francis Browne, Phillip Leeke, and Robert Pigg were complained of, because the reare of their home lotts laye downe: they promised they would make all hast to gett it vp. They were tould it must bee done substantially according to order by the midle of December, and in the meane time to keepe their front fence secure: /

Phillip Galpin declareth that he let Lancelot Baker haue twenty shillings in tradeing wampom to buy him some hoppes

at Connecticote, and ordered him if he could not get hoppes, he should deliuer the twenty shillings to John Webb* towards the payement of tenn bushells of apples w^{ch} he bought of him, w^{ch} hee was to deliuer at Newhaven; but Lanc. Baker did not laye it out in hoppes nor deliver it to John Webb according to order, but brought y^e wampom backe wth him to Newhaven, and tould his wife he had neither bought hoppes nor deliuered y^e wampom to Jn^o Webb, but it was at his house; and he sent his wife for y^e wampom and Lanc. Baker denyes to deliver it: /

Lancelot Baker said it is true he had twenty shillings in wampom of Phillip Galpin, and was to buy hoppes, and if not, apples; he did not deliuer the wampom to John Webb, but bought apples of him, and gaue him as good paye, and Phillip Galpin might haue apples for it. Phillip Galpin pleaded that hee did not attend his order; therefore hee desired his wampom againe, w^{ch} is no more than what himselfe promised, and to proue it produced Mary the wife of Thomas North who testifyeth vpon oath that she heard Lancelot Baker say that hee had twenty shillings in wampom for Goodwife Galpin at his house, and it may be in her husbands absence she may want it, and that when he went home to dinner hee would bring it her; after Goodwife Galpin came to her house and Lanc. Baker was there, and he said to Goody Galpin; good woman, yo^r wampom is at home, I made no vse of it and you may haue it when you will; it is all there together, vnless any be dropped of from y^e stringe. This testimony Lancelot Baker in Court acknowledged to be true, and so went away; yet the Court further to cleere y^e truth of it sent for Goodwife Galpin who also in Court confirmed the thing, for she said Lancelot Baker told her that he had bought no hoppes, but he had bought five pounds worth of apples, and they might haue some if they would, but her husbands wampom was at home & she might haue it when she would. The case being thus cleered, y^e Court by way of sentence declared that Lancelot Baker doe forthwith paye to Phillip Galpin twenty shillings in tradeing wampome, and the Court charges beside; else y^e Court will grant execution: /

William Paine and Robert Meaker were complained of for absenc at Trayning: y^e Court was informed that M^r Allerton that

* Of Hartford.

morning sent to M^r Goodyeere to gett them free, because of some vrgent occasion aboute his vessell: y^e Court considering that he did send to aske leaue, and it was vpon that occasion, and y^e time y^e vessell hath laine, and y^e afflicted state of M^r Allerton otherwise, did for this time pass it wthout a fine: /

[108] John Downe was complained of for neglecting his watch twice; one time he said he would gett Addam Nickoles to watch for him, but he came not in season; another time he came and received the charge, but after went and gott Goodman Coop^{rs} boy to watch for him, and when John Tuttill his fellow watchman objected against the boy, not being willing to watch wth him, John Downe answered that hee would answer it and so went away home and left them; for w^{ch} miscarriages he is fined fīue shillings: /

M^r Tuttill for coming late to watch was fined one shilling: /

M^r Gilbert was complained of for three defects in his fence, two of them in the Gouverno^rs quarter, and one in y^e new feild toward the mill; for w^{ch} he was fined three shillings: /

James Roggers of Millford, plt.	}	James Roggers declareth that
John Charles, deffend ^t .		aboute two yeares agoe, he hired

one Daniell Turner to bee his servant, and laide out three pounds for him, and put him in his farme at Stratford, and a litle while after Jeremiah Osborne of Newhaven came to him and tould him hee had hired his servant; hee tould Jeremiah it was more than he knew, but the said Jeremiah made it appeare to him that it was so and that he was gone away from him wthout his leaue; notwithstanding if James Roggers would paye him y^e mony he was out for him, he should haue him; w^{ch} he did, and Jeremiah Osborne made ouer his right he had in Daniell Turner to him; but after this Daniell Turner went away from him wthout his knowledg or consent, and came to New haven, and from thenc John Charles carried him away in his boate to Long Island, by w^{ch} meanes hee hath suffered great damage, for w^{ch} he desires satisfaction: /

M^r Linge, attorney for John Charles, desired a reason why this buisnes beeing ended at a Court at Fairefeild (and James Roggers cast in the suit) should now be brought to another Court. James Roggers said this buisnes was not ended at that Court: but to proue it M^r Linge produced a wrighting vnder M^r Lud-

lowes* hand, wherein it appeares y^t an Action betweene James Roggers and John Charles concerning Daniell Turner was tryed at Fairefeild, and that James Roggers was cast in the suit. M^r Linge was tould that in some cases matters ended at one Court may be brought to another wthout any reflection vpon the former Court, for there maye more light appeare afterward, w^{ch} if it had appeared before would haue altered y^e case. M^r Linge said that there was a particular agreem^t that if James Roggers had given John Charles power to take him as his servant he would haue paide him five pounds: but to contradict that, James Roggers p^rsented a testimony of Thomas Samford of Millford and Thomas Beech of Newhaven, as it was taken before the Gouerno^r at Newhaven, w^{ch} is to this purpose, that if James Roggers can proue Daniell Turner to be his servant, he will bring him againe or give him five pounds; but now Thomas Beech saith when hee tooke that oath he forgott one clause, for it should haue bine, if James Roggers prove him y^e said Daniell to be his servant for five yeeres, ec.; and Thomas Samford had also testified something in y^e case before M^r Fowler at Millford, w^{ch} did not agree wth what is in this testimony. [109] Wherefore nothing could be made of it. M^r Linge was asked why John Charles is not here himselfe; he said his buisnes laye so, both in respect of his boate & goods, that hee could not be here wthout great loss; wherefore he was tould that if he desire it y^e Court will grant him respite, that if John Charles can gett any other witnes to cleere himselfe, hee may: for it is cleere that John Charles hath carried away another mans servant: /

James Roggers desired that if the buisnes be respited that his witnesses now here may vpon oath give in their testimoney to the Court, that so hee may not bee at trouble and charge to bring them againe: w^{ch} was granted. And first Jeremiah Osborn testifyeth vpon oath that Daniell Turner was his servant for aboute two yeares, and that hee told James Roggers if he would at p^rsent paye him thirty two shillings six pence he would turne ouer his time to him, w^{ch} James Roggers did, and hee did turne ouer his right in Daniell Turner to James Roggers, w^{ch} was aboute two yeares to come when he y^e said Daniell went away from him: /

* Roger Ludlow, the founder of Fairfield, and its leading citizen.

Francis Hall testifyeth vpon oath that Jeremiah Osborn turned ouer to James Roggers Daniell Turner to serve him for aboute two yeares, James Roggers payeing to Jeremiah Osborn thirty two shillings six pence at p^rsent, and though there was other money due from Daniell to y^e said Jeremiah, yet he would stand to y^e venture of that till y^e s^d Daniell had earned it out: /

William Pecke testifyeth vpon oath that when he went to Long Island in John Charles his boate, hauing some goods to cary aboard, he had occasion to bee much there, yet hee neuer saw Daniell Turner in the boat, or aboute it; but after they had set sayle and were gone aboute as farr as the harbours mouth John Charles began to roumage and trime his sayle, and in removeing a packe of linon cloth Daniell Turner start vp; Charles gave him some ill language, theefe or rascall or the like, and said how came thou here, he would throw him ouerboard, but he was quickly pacified, and wthout the poynt they laye still, and Daniell went ashore to kill some foule and came aboard againe, and that night they laye aboute Scotch cap river, and there Daniell went ashore againe and came aboard againe, and so he went in the boate to Southhold and there hee parted wth him: /

William Fowler testifyeth vpon oath that he knowes Daniell Turner was servant to Jeremiah Osborn, for he writt the Agreement betwixt them and his wife can witnes the same; after he heard that John Charles had carried Daniell Turner away, hee mett wth John Charles & questioned him aboute it, telling him hee was James Roggers his servant, Charles said if he be James Roggers his servant he would bring him againe. /

These testimonies being given in, the buisnes was respited, Charles his securitie standing till the buisnes be issued: /

Edward Hitchcocke and Edward Pattyson were called before the Court, and tould that they were called to give account of some straye cattell they haue taken vp. Edward Hitchcocke said that the first winter they went to M^r Dauenpo^ts farme they tooke vp two steeres, both blacke ones; the one was a yearling, the other a small beast, may be he might be two yeares old; the younger of them was marked wth a slitt in the topp of the farr eare; this was killed wth a tree [110] that fell vpon it toward the latter end of winter, w^{ch} they thought might be Goodman Potters; the flesh was putrified before they saw it, and not fitt for foode; the hide Thomas Whitehead and Edward Hitchcocke

tooke of, and hanged it up, and the winde blew it downe, and the doggs tare it and spoyled it. The other was a blacke steere aboute two yeares old, wth a cut tayle, a peece cut of the neere eare, that is the eare slitt in the topp, and then a peece cut square of; and hee had a noch cut out of the other eare, and he had a white spott aboute an inch bigg vpon the out side of the left thigh; this they kept three yeares and then sould it to John Harriman, aboute September was twelue moneth: /

They were asked what course they tooke to haue him cryed, and how they attended the law in other particulars (w^{ch} law* was now reade); they said Goodman Coop^r cryed them, and they had bine wth the Gouverno^r to acquainte him wth it; the Gouverno^r said he remembers it not, but if they were he tould them the law, w^{ch} they haue not attended: & Edward Pattyson told him when he examined them in private that they knew the law and were carefull to attend it, and being now questioned aboute it he said Goodman Hitchcocke told him all was don w^{ch} should be done: John Coop^r said they spake to him, now allmost three yeares agoe, to cry two or three straye cattell w^{ch} were at their farme; hee told them they should haue brought the markes of them in a note; they said they would the next Lecture day, but did not; he spake to them againe and Edward Pattyson said that Goodman Hitchcocke should bring him a note, but hee neuer saw any; hee wished y^m to goe to y^e Secretary to see y^e Order and advise wth the Gouverno^r aboute it; they said they would, but hee heard no more of it: /

They were asked if they tooke order that the steeres might bee cryed at other townes, according to Order: Edwa: Pattyson said that Edwa: Hitchcocke told him they were, but now Edwa: Hitchcocke said it was not done: /

The Gouverno^r told them that compareing thinges together they are found in many vntruthes; for first Goodman Hitchcocke said they sould it for aboute five pounds, Edwa: Pattyson said foure or five pounds; further they said it was prised by Edwa: Parker and John Harriman as a stray steere, w^{ch} things are now found otherwise, w^{ch} increaseth the suspition, but the great question is aboute their killing, selling, and disposing of this steere contrary to Order.

* See N. H. Colonial Records, ii, 609.

Edward Parker was asked if he prized it; hee said no, Goodman Harriman and hee were not there together, but hee went ouer to looke an oxe he had in the woods, and saw this steere in question; hee looked vpon him as a fatt steere, and hee conceives he was then goeing five yeeres old; when hee cam to the farme he spake to them of him; they said it was their steere, he was a stray, and they had bine wth the Gouverno^r and informed him of it and the steere had eaten out his body and now they were to haue it; and Jn^o Harriman at that time wanting beefe for his house, hee bid them seaven pounds for the steere for John Harriman, but then bought him not; but after John Harriman went ouer himselfe and bought him, but Ed: Hitchcocke said that Edward Parker bought him, and that he tooke him at his word when hee bid him seaven pound for him. [111] Further Edward Parker said he then tould them that he thought the steere was M^r Hookes, for he had his eare marke; Ed: Pattyson replied, why did he come to buy M^r Hookes steere? he should haue told M^r Hooke of it: he answered, he did tell M^{ris} Hooke; but Edwa: Pattyson was asked how hee durst sell a steere w^{ch} they knew was not there owne, but was told it was M^r Hookes, yet never inquired. John Harriman said that he went ouer and bought the steere, but hath forgott what discourse they had, and the price also, nor can hee tell that he heard anything of a straye steere; he would haue had them brought him to the Towne alive, but they would not; they said they could not gett him ouer, and therefore Serjant Beckley being there offered Goodman Harriman to kill him for him there, and they would bring him to y^e Towne in their cannow.

John Moss said he was there at y^e farme aboute that time, and he heard of the price of the steere to be seaven pound, but they neuer tryed to get him ouer, and Edward Camp said that he was at John Harrimans when they brought the beefe, and the price he heard was seaven pounds, but the doggs had done some hurt after it was killed; wherefore they batted something, he thinkes aboute tenn shillings: /

Edward Hitchcocke was asked if he had not sould any other steere: hee said yes, he sould one to M^r Evanc after he went to the farme for six pounds seaventeene shillings, w^{ch} was before Nathaniell Whitfeild came to M^r Evance to dwell, w^{ch} steere

hee carried to the farme when he went theither; and what hee hath bred vpon the farme, he hath them all still: /

They being asked had no more to say; wherefore the Court proceeded to sentence, and judg that they have not in any respect attended the law in that case, and therefore what forfeite the law layes vpon them, w^{ch} is double the vallew of the beast, being vallewed at six pound tenn shillings, they order that they paye to the Towne: w^{ch} is thirteene pounds, of w^{ch} they haue received six pound ten shillings for the beast they sould John Harriman: /

Mr Hooke being in Court desired some consideration might be had whether the steere were his or no, but for his owne part he could say nothing to it but desired William Bradly who wintered the steere for him to give the Court light he could in the case; he sd he had forgott much it is so long agoe, but he rememberes Mr Hookes beast was a blacke one and would haue bine aboute foure or fiue yeeres old aboute this time; hee was turned ouer y^e river wth some cattell of his and the Gouverno^rs to y^e best of his remembrance; he was marked wth a peece cut of the topp of the eare, first slitt then one side cut square of, but w^{ch} eare he cannot justly tell, but he thinkes the further eare, but William Seaward, Mr Hookes man, did some-times marke vpon one eare and sometime one y^e other; but this was referred to further consideration in a private way: /

Thomas Beech declareth that he went to Richard Sperries farme vpon some occasion betwixt his brother Richard Beech and himselfe, and found their Edward Camp, Ralph Lines, and Richard Beech; it seemes they were talking of him when he came in, for Edw: Camp said when he saw him, here hee comes; Edward Camp said to Thomas Beech that the message he bid his brother Richard doe to him was false, and said he you said you had something else to saye to me, therefore speake now, but Thom: Beech refused; Edwa: Camp urged [112] him to speake but Thom: Beech would not, but said to Edward Camp, doe you hold yo^r tongue, I will not speake; then Edwa: Camp rose vp from the place where he satt, came to him and knitt his fist, and threatened him, and he thought he would haue beate him, saying shall you teach me to speake: after this he went out to goe home, and when hee was aboute three quarters of a mile from y^e farme homeward Edward Camp ouertooke him, and threw him downe, and fell vpon him wth his

cudgell, and beate him verey much, and said I will haue you know you rogue you shall not teach mee to speake; y^e impression of the blowes were apparrently seene as y^e Gouverno^r testified, Thom: Beech hauing showed him his arme, and the effects of them hee found in his body, being sore beatten aboute y^e backe.

Edward Camp was bidden to speake for himselfe. He said hee desired Thom: Beech to produce his prooffe: he was asked if he denyed it; he said Thomas Beech hath charged him, and let him prove it, and that is all he shall say. Wherevpon Ralph Lines, Richard Beech, and Rich: Sperry all testified that there was a quarrelling betwixt them in the house, and that after Thom: Beech was gone, Edward Camp eate some victualls and went out, saying he would goe fetch his gune w^{ch} he had left in the woods; but that Edward Camp beate him they cannot testifie. The Gouverno^r told Edward Camp & informed the Court that this case is like the case of a rape, spoken of Deut. 22, there is no witnes onely the testimony of the maid & the effects found vpon her; the damsell cryed and there was none to saue her: then none but herselfe to testifie, yet that was accepted; it is as when a man riseth vp against his neighbour; so in this case, there is no other witnes but the partie wronged; he testifies the thing and offers to affirme it vpon oath, shoves the print of the stroakes given him: and the partie charged cannot cleere himselfe by any contrary affirmation; nor (if that were permitted) dares he deny the fact vpon oath; but when the Gouverno^r was aboute to prepare Thom: Beech for his oath, by shewing him the danger of perjury in such a case, Ralph Lines spake privately to Edward Camp, wherevpon Ed Camp said he did not desire Thom: Beech to take oath. The Gouverno^r tould him if he would confess the thing it might be spared, but if he put him to it, and knowes himselfe guilty, the oath will be required at his hand; it were better for him if he did it, to confess it was in a passion and show his sorrow for it; Edward Camp said it was so; he did it in a passion, but it was but wth a small sticke that he strucke him wth, that he thought would not hurt him. Thomas Beech was asked what he demanded for damage; he said he left it to the Court, but he thinkes it hindered him five shillings in his labour, and the Court charges and time spent in runing aboute; wherevpon the Court by way of sentence Ordered that Edward Camp paye to Thomas Beech (all his

charges being included) twenty shillings, and that he paye also to the Towne for disturbing the peace twenty shillings, but he was told had he not by a seasonable confession somewhat mitigated the sentence, the fine would haue bine higher, and he must haue bine bound to the peace; that such as are apt to abuse their strength might be warned, and others traueling alone in y^e woods the better secured :/

[113] AT A GENERALL COURT FOR NEWHAVEN, NOVEMBER 8TH,
1652

The Gouverno^r informed the Court that the cause of calling this meeting is aboute a scoole master, to let them know what he hath done in it; he hath written a letter to one M^r Bower,* who is scoole master at Plymouth and desires to come into these parts to liue, and another letter aboute one M^r Rowlandson,† a scooler w^{ch} he heares will take that imployment vpon him; how they will succede hee knowes not; but now M^r Janes is come to the Towne and is willing to come heither againe if he may haue encouragment; what course had bine taken to gett one, he was acquainted wth, and if either of them come hee must bee entertained, but he said if another came he should be willing to teach boyes and girles to read and wright, if the Towne thought fitt, and M^r Janes being now p^rsent confirmed it. The Towne generally was willing to encourage M^r Janes his comeing, and would allow him at least ten pounds a yeare out of the Treasury, and the rest he might take of the parrents of the childeen he teacheth by the quarter as he did before, to make it vp a comfortable maintaynance. And many of the Towne thought there would bee neede of two scoolemasters; for if a Lattin scoole Master come, it is feared he will be discouraged if many English scollers come to him. M^r Janes, seeing the Townes willingness for his comeing againe, acknowledged their loue and desired them to proceede no further in it at this time, for he was not sure he shall gett free where hee is; and if hee doe, he doubts

* John Bowers, son of George, of Cambridge, Massachusetts, and a graduate of Harvard in 1649.

† Joseph Rowlandson, son of Thomas, of Ipswich, Massachusetts, and a graduate of Harvard in 1652.

it will not be before winter; therefore no more was done in it at p^rsent: /

Ephraim Penington had libberty to be absent from Generall Courts while his hearing is so bad,* provided that hee vse meanes from time to time to informe himselfe what is done, that he may not be ignorant of what Orders are made: /

A peece of meddow formerly given to Mathew Camfeild, but of late questioned whether he had libbertie to sell it or no, was now confirmed to him to dispose of as hee shall see cause according to order: /

It was propounded whether Widdow Fuller might haue libberty to sell the land w^{ch} was giuen her husband out of M^r Roes lott, she being now to goe away; the Towne conceived they might take it from her, because the time is not expired; but because she is a widdow, and her husband dyed in his calling as a planter here, and not remove himselfe, they granted it to her as her owne, to dispose of as she sees cause according to order: /

Two small house lotts a long time since bought and paid for by Edward Banister, deceased, lying next his owne, were now confirmed vpon Elling Banister his widdow: /

Robert Talmage was appointed to be pound-keeper & y^e pound to be repaired at the Townes charge: /

The Court by vote declared that they giue to the Gouverno^r the land in the necke that did belonge to M^r Roes lott, M^{ris} Eldreds lott, and M^r Lucas lott: /

The order made last yeare for cutting firewood in the cow-pasture is now repealed, and the order made by the Townsmen for cutting firewood in the oxe pasture is confirmed: /

The Court granted to John Johnson that land w^{ch} was granted to his brother, William Johnson, out of M^r Lucas his lott, so longe as the said John staves in the Towne, but no longer: /

The time sett to haue fences made according to Order by the midle of Decem^r is now lengthened out till the last of December: /

The same libberty that was given to Serjant Beckeley and Serjant Fowler (Octob^r 8th 51:) to sett guns or make pitts to

* His seat in church was assigned with reference to this infirmity; see below, under Febr. 11, 1655-56.

kill wolues, is given to any man that will sett aboute it, but that clause of the Order, speaking of thirty shillings for them he brings alive to y^e Towne, is repealed: /

The causway and bridg goeing ouer to y^e otherside of the Creeke is to be mended and from time to time hereafter maintayned at the Townes charge: /

[114] It is Ordered that when the Townsmen see a necessitie of help for publike worke for y^e Towne, if they cannot gett help otherwise they may press: /

The Court granted to Phillip Leeke the home lott that was Abrahams Smithes, and wished him to see that the fence bee made & maintayned according to Order: /

AT A COURT HELD AT NEWHAVEN, DECEMBER 7TH, 1652.

Edward Parker was complained of for some fence he hath defective in the Subverbes quarter: he said he hath not heard anything of it till the Marshall warned him to the Court, nor doth he know he hath any fence there; hee was told hee must see that hee issue it wth those whome it concernes, else it must bee issued at the next Court at the charge of the delinquent: /

M^r Goodyeare entred an action against M^r Caffinch for want of weight in five barrells of porke he bought of M^r Caffinch; and by himselfe and Nathaniell Whitfeild cleered it that the barrells were not full; they wanted about five inches, and the weight was short of what he had of other men aboute twenty pound in a barrell. M^r Caffinch said he sould M^r Goodyeare no porke by the barrell or by the pound, but had him into the cellar where the porke stood, and showed it him and sould him the caske as they there stood; and offered to affirme it vpon his oath; wth w^{ch} the Court was not satisfyed, judging it an vnlikely thing that M^r Goodyeare should so buy it; and M^r Goodyeare said he neuer heard any thing of this before, but being M^r Caffinch is so resolute, hee shall not put him to his oath, but rather let his action fall: /

Thomas Beech desired execution for twenty shillings that Edward Camp was by this Court ordered to paye him, but

refuseth; w^{ch} the Court would haue granted, but M^r Goodyeare promised Thomas Beech to paye him twenty shillings, wth w^{ch} he was satisfied:/

Richard Beech, one of the veiwers for the suburbes quarter, complained that there is a parcell of fence in their quarter w^{ch} the old viewers informed them belonged to severall men, viz^d. Edward Parker, William Pecke, John Wakefeild, Mathew Camfeild; but they doe not owne it. He was told the quarter must looke after it, and see it be issued; else it must come to the Court againe, and that will be chargeable to those that are found the offendo^rs:/

Some fence of Abraham Dowlittles and Joseph Alsopes was complained of as defective, but the viewer not being fully cleere w^{ch} of the two it was, it was refferred to be further cleered:/

Some fence of Peter Mallaries w^{ch} stands so as it hinders the passage in the high way is referred to Richard Miles and Henry Lindon to order y^e standing or remouing of it as they shall see cause:/

William Tompson now in Court acknowledgeth that he hath received of Kattern, the late wife of his brother Anthony Thompson, deceased, but now the wife of Nicolas Camp of Millford, tenn pounds; and doth now receive from her the land w^{ch} is expressed in the will of Anthony Tompson, deceased, to be given to his son Anthony Tompson: w^{ch} tenn pounds and land is all the portion w^{ch} she the said Kattern was to paye to the said Anthony; and the said William [115] Tompson and Anthony Tompson (now aged aboute eighteene yeeres) doth now in Court fully discharge the said Kattern of y^e said legacy, and Anthony Tompson declared in Court that he desires it may remaine in his vnkell William Tompsons hand till he comes at age:/

Thomas Meekes was complained of because he did not attend the last Court to answer aboute some defective fence as he was warned by the m^rshall to doe, w^{ch} the Court looked vpon as a contempt; and because y^e viewer is not here to giue information, he is to attend y^e next Court wⁿ Thomas Morris y^e viewer is to be here at his charge to informe, & for the contempt the Court will then issue it also:/

Edward Hitchcocke appeared and informed the Court that in part of the thirteene pounds he and Edward Pattyson were

Ordered to paye last Court he hath paid a steere w^{ch} comes to seven pounds fifteene shillings, and they desire the Court to forbear the rest till next yeare. The Court told them they were willing, so that they give security for it; but Edward Pattyson said that Goodman Hitchcocke was in y^e greatest fault, for he tould him all was done w^{ch} were to be done in attending y^e Order, and brought his wife to witnes it, who said that Goodman Hitchcocke told her husband he had bine wth the Gouverno^r and y^e Secretary and looked the booke and all was done that was to be done but two men to prise the beast, and he thought Goodman Harriman and Edward Parker might doe that; and when the beast was to be killed he tooke his coate and said he would goe cleere the buisnes and cary a note to y^e Secretary. Goodman Hitchcocke said he tould him he had bin wth the Gouvern^{or} & Secretary and told them what the Order was, but y^e other he denyes; yet if Goodwife Pattyson will affirme what she saith vpon oath, it shall cleere the buisnes, he will rest satisfied in it, and let the Court doe as they please, w^{ch} Goodwife Pattyson seemed willing to doe; but y^e Court wished her to consider better of it, and if vpon further thoughts she be so farr cleere as she can safely take oath of it, the buisnes may be issued y^e next Court, and so no more was done in it at p^rsent: /

James Rogers appeared to haue y^e buisnes depending betwixt John Charles & him issued, but was told it was not limited to this Court and y^e Atturney of John Charles not being p^rsent, it was respited till y^e next Court: /

AT A GENERLL COURT FOR NEWHAVEN, DECEMBER 20TH, 1652.

The Gouverno^r informed y^e Court that one occasion of calling the Towne together is aboute the docter: he had bine wth him and desires that he may haue libberty to goe away; he acknowledgeth his time is not out till March, but hee sees it will be a great loss to him to stay till then, and therefore desires their fauour to haue libbertie to goe so soone as he hath an opportunity. Much debate there was aboute it, but at last the Towne, vnderstanding that he intends to take nothing of M^r Dauenpo^rt

for what he hath done for them, it was voted that after this day he shall haue libbertie to goe as he sees he hath opportunity: /

The Gouverno^r informed y^e Court that he hath received a letter from M^r Bower (w^{ch} was now read) wherein he shoves his willingnes to come to be a scoolemaster here, but cannot while* y^e spring, because hee is ingaged at Plymouth till Aprill, but hee desires to know what it is [116] that the Towne expects from him in way of teaching. The Towne declared that vpon the termes M^r Handford was here he may haue both for the worke and for y^e paye, and desired the Gouverno^r so soone as he hath opportunity to informe him thereof and desire his coming as soone as he can: /

William Paines fence at the hey place was againe complained of, that it is bad and stands not in the right place; he promised to remoue it and make it good, onely desired libbertie till the Spring, w^{ch} was granted, provided that in the meane time hee keepe it so as the quarter suffer not damage by it: /

The Towne was informed that there is neede that another rate be forthwth paide, for that w^{ch} was before granted and this also will doe but litle more then paye the Townes debt to the Jurisdiction. The Treasurer thought there would be neede of a rate and a halfe; but the Towne was not free to that, but by vote declared that one rate be paide into the Treasurer wthin a moneth after this time: /

The time for makeing of fences according to y^e Order made October 18th, 1652, is lengthened out till the latter end of January next; provided y^t by that time men haue their stuff laide in a readines to set vp the first opportunity the weather serveth: /

AT A GENRLL COURT FOR NEWHAVEN, THE 15TH OF JANUARY, 1652.

The Gouverno^r acquainted the Towne that the cause of calling y^m together this day is aboute a monsterous pigg, w^{ch} was brought forth by a sow of John Vincons: it was like a pigg in the body & leges, but wthout haire, the skin being white; the head something like a piggs head, but y^e nether chapp something like the

* Until.

nether chapp of a man, one eare something like a piggs eare, the other like two little teates hanging downe, one great red eye in y^e face of it, and from the forehead a peece of skiney flesh hanging downe, hollow like y^e member of a man, w^{ch} hath made the Magistrats to whom it was first showne feare that some beastialitie hath bine committed: it was now showne to y^e Towne, and every man was desired to looke vpon it, to see if by the visiage or any other markes there may bee anything discovered that way: but after some time of consideration, no man spake so as to accuse any, wherefore y^e Marshall had order to bury it:/

The Gouverno^r further acquainted the Towne that if this occasion had not bine, the Towne must in a short time haue bine called together to minde them of an Order of y^e Gen^ll Court aboute laying vp a stocke of pease, w^{ch} Order was now againe read and the Towne desired to take notice of it that it may be attended.

The Towne was acquainted that the sealers for leather & shoemakers had bine wth the Gouverno^r to let him vnderstand that there is several hides tanned by Jeremiah Osborn, w^{ch} the sealers cannot seale, it is so bad, and by meanes of his ill tanning of the hides form^{ly} the Towne hath suffered exceedingly, and y^e shoemakers are discouraged in their trade; vpon w^{ch} grounds ther was some debate aboute putting Jeremiah Osborn downe from taning any more hides to sell, and of getting another tanner; but in y^e issue it was agreed and concluded that the leather should be viewed [117] againe, and M^r Goodyeaes man Robert was desired to joyne in it: and for the consideration aboute another tanner, and also to give allowance what of this leather badly tanned shall be vsed for shooes, it is referred to the particular Court and Townesmen as a Committee to consider of and determine:/

Sundrie of the Towne complained that they cannot get their corne ground at the mill, but it must lye there so long as their families suffer for want of it, or they must goe so often for it, as some said it stood them in more carying and fetching then y^e corne is worth; w^{ch} is conceived to come partly by the mills goeing so slowly, and partly by the millers not grinding sometimes in the night when hee hath much worke there; wherefore

the Towne desired that the Committee before named would speake wth the miller and take some course y^t this griuevanc may be removed: /

It was desired that those that haue lent any household stuff to y^e docter would give notice to y^e Secretary what it is, that it maye be required againe, for y^e docter saith he hath sundrie things w^{ch} he knowes not to whom they prop^rly belonge: /

The time of makeing the fences according to the last Order, Octob^r 18th, 52, is lengthened out till the 10th of March next.

William Paine, haueing at a former Court charged Thomas Moris wth partialitie in viewing of fences, doth now cleere him from it and sees that it was a rash charge and he had no ground to doe it: /

AT A COURT HELD AT NEWHAVEN THE FIRST OF FEBRUARY, 1652.

John Winston was complained of for absence at Trayning one day: M^r Goodyear said it was when his shipp lay here vpon charge, and hee wanted Jn^o Winstons help aboute some caske, and it was of great necessitie; and therefore if the Court require the fine, he must paye it as he promised John Winston to doe. The Court considering that the buisnes of the shipp depended vpon it, and libbertie hath formerly bine given aboute shipp occasions, past it wthout a fine: /

Samuel Farnes was complained of for want of three q^r^{ts} of a pound of po^r, and 2^l ½ bullits last showing day; w^{ch} is the more aggravated because the Towne had notice and all men were wished to keepe themselues fully provided according to y^e Order, for the Court would not pass by such defects wth so small fines as they had done. Sam: Farnes was told that by the Gen^ll Courts Order any one defect is ten shillings, w^{ch} this Court orders him to paye to y^e Towne for both these defects: /

John Benham was complained of for absence at Trayning one day; he said hee had a kill of bricketts to burne, and by the wettnes of the weather he was put of; that he was forced to burne them that weeke, and if he had not begun it vpon y^e second day, he could not finish before y^e Saboth, vpon w^{ch} ground the Court past it wthout a fine: /

The two sealers for leather and M^r Goodyeers man acquainted y^e Court y^t they haue viewed the leather they were appointed to doe, and finde it all defective; yet in regard of the necessity the Towne is in for shooes, they thinke some of it may be rought out into shooes, and the neckes of the hides or what other parts of them is worst tanned may be put into y^e pitts againe and made better. They were desired to take the shoemakers wth them and ouer looke the leather againe, and that w^{ch} is the best and may be vsed, to seale; also that they would consider the damage [118] there is by this leather being ill tanned, and when they haue thus prepared it to acquainte the Gouverno^r therewth and then he will call the Court together and determine what shall be done: /

Edward Preston appeared and desired the Court to put an issue to the buisnes depending betwixt M^r Pell and himselfe. He was told M^r Pell hath bine sent to, but returnes no answer nor appeares himselfe: wherefore the Court now Orders, that the Secretarie speake wth Goodman Wigglesworth who hath some dealing wth M^r Pell, and desire him to wright to him and let him vnderstand that Edward Preston hath attended two or three Courts to haue an issue of the buisnes, and he hath bine sent to and giues no answer, therefore if he nor none for him appeare next Court in the case, the Court will deliuer Edward Preston the wampom backe againe, w^{ch} he left in their hand to paye the debt: /

The Action depending betwixt James Roggers and John Charles was now called vpon, and what past at the Court when the Action was entered was read, & what James Roggers or John Charles could say now was heard; yet by all cleere evidence in the case did not appeare, and the Court told y^m that in the issuing of this case they must goe according to an imperfect agreement or else according to the Law of the Jurisdiction; for it is cleere John Charles hath carried away James Roggers his servant, and though Charles speake of an agreement afterward wth James Roggers, yet proues it not; wherefore the Court advised them rather to put it to arbytration, that so some freinds whom they may chuse may issue it betwixt them: to w^{ch} motion John Charles said hee was willing, and so said James Roggers; and John Charles chose M^r Ling, and James Roggers chose M^r Hudson; and if they two cannot agree,

they haue power to chuse an vmpier; and as the major part of them agree, it shall issue, and both parties promised and ingaged themselues to stand to y^e issue that they shall make: /

Old Goodman Willmot was complained of for a debt of nine pounds, odd mony, that hee owes to y^e Towne: he said hee is not able yet to paye it, but hee shall wthin a moneth paye three pound to y^e Treasurer in part, and y^e rest he will ingage some of his cattell for, and paye the one halfe of the remainder a yeere hence, and the other halfe a yeare after that; w^{ch} the Court accepted: /

Henry Bishop was complained of aboute a boye he keepes (Samuel Andrewes) who is conceived to be in danger of his life, whether for want of food or lodging or whatsoeuer else, the Court desires to be informed. Hen: Bishop said it is wonder he is no worss, considering how naisty the boy is. The boy was asked if hee had foode inough; he would say nothing to y^e Court, but told Nathaniel Whitfeild and Edward Parker privatly that now he had but formerly he had not. The Court agreed that it were best the boy should be at some other place, wher he may haue wholesome diet sufficient, and good lodging, to make tryall for a moneth till the next Court; and in regard of M^{ris} Evanc her relation to him,* the Court desired that she would take him for this moneth, and the next Court it shall be considered againe: no agreement made wth Henry Bishop aboute the boy being in any kinde altered: /

Edward Hitchcocke appeared and desired that the buisnes betwixt Edward Pattyson and himselfe, spoken of the last Court, might [119] be issued; but because Edward Pattyson is not here, and Hitchcocke now desires that his testimony may be required as well as his wiues in y^e case, therefore it is respited till the next Court: /

William Potter passeth ouer to Mathew Camfeild one acker of land lying in the subverbes quarter next Millford highway in y^e corner ouer against William Daus his home lott, the swamp or spring being betwixt: /

Mathew Camfeild passeth ouer to Kattern Tompson, now y^e wife of Nickholas Camp; his house, home lott, and other houseing

* The boy had been formerly in her service.

vpon it, lying betwixt the lot of George Smith and that w^{ch} was Anthony Tompsons; seven a^{crs} & a halfe of land wthin the two mile in the subverbes quarter, betwixt the land of Edward Banister and John Potter; 8 ac^s & $\frac{1}{2}$ in y^e same quarter, butting against the west meddow on this side the river, betwixt the land of John Thomas and y^e land of William Westerhouse; one ac^{rs} of land in y^e same quarter next Millford highway in y^e corner butting vpon the spring or swamp at the end of William DAVIS his home lott: 4 ac^r $\frac{1}{2}$ or thereabout on the other side the West river wthin the two mile in y^e subverbes quarter, lying neere the Club; and 32 ac^s of his second devission; one ac^r & a halfe of meddow in the west meddow betwixt Richard Osborne and y^e river side; halfe an ac^r in Sollitary cove: and all y^e meddow w^{ch} belonged to John Readers lott, w^{ch} is aboute 5 ac^{rs} in y^e west meddow, betwixt y^e river and Richard Osborn, and y^e rest in Sollitary Cove; and foure ac^{rs} of meddow that was given him by the Towne; and two ac^{rs} $\frac{1}{4}$ 24 rod in y^e necke: and all his right in y^e ox pasture and commonadge aboute New hauen: /

Robert Pigg passeth ouer to George Pardee his house and home lott, lying beetwixt the house of John Hall and the house that was Jonathan Marshes, wth what addition was after given to them lotts by the Towne out of Oystershell feild, and all the land w^{ch} was giuen to Robert Pigg on the east side of the great river, wth what commonadge doth or may belonge to the said house and lott:

AT A GENERALL COURT HELD FOR NEW HAVEN, FEBRUARY 23TH,
1652

The Gouverno^r informed the Towne that the major part of the Magistrats for the Jurisdiction, haue, vpon publique grounds and respects, considered of and made an Order for the Jurisdiction for the staying of provisions amongst our selues, w^{ch} Order was now read to the Towne and well approved of: /

William Paine desired that the Court would grant him that peece of meddow he hath neere the Ferry place as his owne, and hee will make and maintaine a substantiall fence at the place where it was first appointed. After some consideration the Court granted it to him, vpon y^e considerations following, viz^d.:

that he make and from time to time vphold and maintayne a good substantiall fence, from the further corner of the lott that was Thomas Knowles his, and so downe into y^e flats, so farr as oystershell feild and the quarter adjoyning may be securied from damage by that fence: and in case he shall at any time hereafter remove out of this Towne, then the said peece of meddowe shall returne to the Towne againe: /

Vpon the desire of M^r Allerton, Mathew Row, Robert Pigg, & Phillip Leeke for a lott betweene Math. Row and Robert Pigg, the Court granted to each of them foure rod in breadth, out of oystershell feild, to bee [120] in length so much as their lotts are broad, as formerly some other small lotts on the banke side* had, vpon the same condition they had it, namely, to maintayne a good Cart high way before their dores: /

The Gouverno^r acquainted the Towne he had received a note from Leivtennant Nash of the names of sundrie that doe not watch or trayne; vpon the pervsvall whereof, it was Ordered that the Deacons and Deputies for the Court shall be freed from watching; the Marshall is to watch, but not to trayne; M^r Wakeman is to watch, but not to trayne, because his arme is lame euer since it was broke wth the fall of the cart; John Davis is freed from watching and trayning, and Sam Wakeman left to his libbertie to trayne when he will; old Spinag† is to watch while he stayer here; M^r Rotherford and Joseph Alsop are both freed as masters of vessells aboue 15 tunne: John Brocket and William Pecke are both to watch, but freed from trayning; M^r Goodanhouse to watch, but not trayne; M^r Caffinch both to watch and trayne; Thomas Mitchell, the Millar, William Judson, Thom. Nash, Robert Pigg, Richard Johnson, are all to watch, but not to trayne; and the millitary officers, as Leivtennant, Ensigne, and Serjants, are freed from watching as formerly; and James Russell is for time to come to attend the squadron service vpon Lords dayes and Lecture dayes as other men doe: /

It is ordered that all men that haue gunns for the Towne service, that are not of a muskit or bastard muskit boare, shall haue for their shott bullits fitt for their guns; the rest may haue halfe in bullits fitt for their peecees, the other halfe in

* East Water street.

† Humphrey Spinning, Spenning, or Spinage.

pistol shott; and whosoeuer shall come to watch wth a match locke gunn, shall keepe his match light all the time of his service:/

AT A COURT HELD AT NEWHAVEN THE FIRST OF MARCH, 1652

Thomas Mitchell entered an action against William Tuttill for one bushell and a halfe of wheat, w^{ch} Thomas Mitchell thinkes M^r Tuttill had of his, because his bagg in w^{ch} he caried his wheat to the Mill was found (as Henry Carter saith) at M^r Tuttills house; but it being a darke case, by advice of the Court both parties agreed to put it to arbytration, and promised to stand to the issue that the arbytrato^rs should make; the men chosen are Henry Lindon by Thomas Mitchell, for himselfe and Henry Carter who had an interest in the suit, and M^r Tuttill chose M^r Ling:/

Martin Tichennor appeared and desired the Court to consider, a fine of eightheene shillings was laid vpon him for defective fence in May last; he said he heares that a hundered rod of fence in the same quarter was as bad as his, and not complained of; wherevpon the viewers were sent for, namely Jeremiah Whitnel and Thomas Johnson; they said when they were in the service they judged according to their best light, & as they p^rsented it so it was, and had others bine as bad then, it is like they should haue p^rsented it also: so that by all the light the Court can gett, they see no cause to take off the fine or any part of it, but if any of the fence belongs to any other man, Martin Tichennor may seeke his remedy against them, else he must paye it himselfe:/

[121] Nathaniel Whitefield appeared on the behalfe of M^{ris} Evance, desiring the Court to consider of and issue the buisnes aboute Samuells Andrewes and Henry Bishopp, w^{ch} was the last Court referred till now. Nathaniel was asked how the boy was when he came to his M^{ris}, and what it is he propounds for: he said how the boy was when hee came to their house, John Brocket can best speake, for he viewed him, and that their is an alteration his countenance shoves; his M^{ris} desires the Court would consider the charge and trouble she hath bine at this

moneth past, for he is Henry Bishops servant and ought to haue bine looked to by him; how his cariag hath bine toward him, Edwa. Parker and Sam. Lamb can testifie, for had the boy bine looked to as a servant should be, he would not haue come to that pass he was at. Wherevpon first John Brocket was called to testifie how the boy was when he went to M^{ris} Evance a moneth agoe: hee said that hee viewed the boy when he went to M^{ris} Evanc and found him in a verely bad case: he had vlcerous sores in his feete and chilblaines w^{ch} came he conceives by reason of cold, and had he bine looked to as he ought it would not haue come to that pass; one of his fingers was verely sore, he thinkes it was frossen; and aboute September last he saw the boy sitting vpon a logg, and perceiving he was lame he went to him; the boy desired him to looke on his legg, wth a sore, foule & blacke, w^{ch} had not the attendance it ought to haue:/

Edward Parker testifieth vpon oath that he liuing neere Henry Byshop hath observed that the boy hath bine much beatten, and he hath of late taken notice of him to be in a pittypfull case, and feared if some course were not taken the boy would perish; he spake to Goodman Bishopp aboute him, told him he was in a perishing way and would dye for want of due lookeing to; Goodman Bishop answered, let him dye and be hanged if he will, he could not abide him:

Samuel Lamb, servant to M^{ris} Evanc, aged aboute sixteene yeares, testifyeth vpon oath that his M^{ris} sent him wth Sam. Andrewes, when he dwelt at Goodman Bishops, to Thomas Beech his for a pare of shooes for Sam. Andrewes, and when they went to put them on his feete he cryed, wherevpon they looked on his feete and found them exceeding sore; his M^{ris} sent him to Goodman Bishop to tell him, and pray him that his feete may be looked to, for they were verely bad and like to rott; Goodman Bishop answered, hange him, rascall, let them rott if they will, if he cannot looke to himselfe:/

Goodman Bishop said the boy hath bine so lazie that he could make him doe nothing but drive plow, and that but badly; he would not chop wood nor draw water nor serve the cattell, but he would doe mischeife, breake his bucket, and let cattell into his barne and spoyle his corne, and for his naistines it was intolerable; he would piss and foule his bed and breeches and in

y^e barne & chamber in y^e corne, and was very theevish: he would steale raw fatt & meate & eate it, though hee had had sufficient foode before: one morning to breakefast hee eate 3 quarts of pease porig & bread wth them and a good peece of meate and bread wth it, and aboute an houre after he stole a peece of hoggs fatt and eate it raw as big as a mans hand: and by reason of his naistines they haue throwne many a peece of meate to the doggs, because he would put his naistie hands into y^e pott. [122] Samuell Andrewes was asked what he said to this: hee would say nothing. Nathaniell Witfeild said that he thinks the boy hath bine bad inough, but yet Goodman Bishop hath at first given commendations of him, and hee had bine three monethes vpon tryall, yet after tooke him to be his servant for fiue yeares, and Captaine Astwood said that he could haue put the boy out in another place, and told M^{ris} Evance so; but she said she had had some treaty wth Goodman Bishop aboute him, and if he liked him he was to haue him: /

Goodman Bishop said that M^{ris} Evanc did not performe agreeement in some cloathes w^{ch} the boy was to haue, but he proved it not. Nathaniel Whitfeild replied that the boy had sufficient cloathes, and p^resented a note of the particulars to the Court, but said now they are allmost spoyled, and therfore if his M^{ris} should haue the boy againe, she conceives she should be alowed for this monethes keepeing last past and for what his cloathes are the worss. The Court not being able to judg of the cloathes, wth Goodman Bishops consent referred it to Thomas Kimberly and Thomas Wheeler, two taylors, and desired Goodman Bishop to be present to giue them what light he could: Goodman Bishop said that for the three monethes time he had him vpon tryall he must not alowe for the ware of his cloathes, w^{ch} those that viewed the cloathes were to consider; and after they had viewed them they gaue in a note, that to their best apprehension y^e cloathes were worth, when Hen. Bishops time begane wth the boy, foure pounds six shillings foure pence, and now they are worth eighteen shillings. Both parties were wished to speake if they had any more to say: Natha. Whitfeild said if the boy should be returned to his M^{ris}, when she hath in a legall way freed herselfe from him, it will be a great loss to her; beside he hath so disparaged the boy that they shall hardly get a master for him; and the cure of his feete and finger he

thinkes would haue cost forty shillings; and for the trouble, his M^{ris} would not haue had it for fve pounds.

Henry Bishop said the fault was his owne, for he would wett his feete wth his owne water and then hide himselfe and stand in the cold; and it was his owne fault that his cloathes was so spoyled; he was told that the hazard of those things he must beare after he was his servant.

Both parties having spoken what they would, the Court proceeded to sentence, and Ordered that for the boye M^{ris} Evanc is to take him againe, and that Henry Bishop alowe her for the cloathes being worss, according as those that viewed them judg, three pounds eight shillings foure pence; and considering the case the boy was in when he came to M^{ris} Evanc a moneth agoe, as John Brocket saith, and the Court is informed that the docter should say if the boy was not speedily looked to, he would be in great danger, also the charg the cure might cost, and the trouble hath bine and charge is like to follow to M^{ris} Evanc, that therefore Henry Bishop paye to her fve pounds more; also considering the testimony of Edward Parker and Sam. Lamb, the Court lookes vpon it as a very ill example that a master should speake so of or to a servant (though faulty), that therefore for this he paye as a fine to the Towne forty shillings: /

M^r Crane entred an action against M^r Allerton, but by advice of the Court they refferred it to Arbytration; and M^r Allerton chose M^r Goodyear, and M^r Crane chose Francis Newman, and both agreed M^r Gilbert should be vmpier, and what issue they make both parties promised to stand to: /

[123] Phillip Scott, agent for M^r Pell in some other buisnes, being in Court, was told there is a case depending betwixt M^r Pell and Edward Preston in this Court, and M^r Pell appeares not by himselfe or his attorney to prosecute, though it has bine euer since October last and they haue sent to M^r Pell twice aboute it, but they heare not from him, and therefore ordered him to let M^r Pell know, that if betwixt this and the 7th of this instant he doth not appeare, nor let the Court vnderstand his minde in it, the wampum Edward Preston hath left wth the Court to discharge the debt, they will deliuer to him againe. And the Court hearing nothing from M^r Pell wthin the time limited nor some dayes after, though they waytted for it, vpon Edward Prestons desire, before the Gouverno^r and the Marshal, the Treas-

urer delivered Edwa. Preston his wampom at the Gouvernors house:/

Thomas Langden and his wife being called, appeared; were told that they both stand charged wth theft, stealing in a felonious way some of M^r Pruddens* hoggs, how many may be considered, and how many times he hath denyed the thing, and wth what hideing the truth confessions haue bine, and also what testimonies hath bine giuen in by Edward Camp and William Willmot: his first examination was at Millford before Capt Astwood; then he denyed that he had killed any hogg, and there Ed Camp and William Willmot in his p^rsenc and before Capt Astwood affirmed vpon oath, February 14th, 1652, as followeth: Edward Camp, aged aboute thirty foure yeeres, affirmeth that he and William Wilmot, comeing to Thomas Langdens house, aboute fryday was fortnight at night, found him and his wife at supper; they both bad them welcome and asked the said deponents to eate some pottage and meat, w^{ch} they accepted and sat downe; the said deponent seeing the meat and that it looked black and bloodie, and was flayed of the skine, asked the said Langden what he had, whether a peece of an old horse, but Langden answered no, it was a peece of a dead hogg (now the peece was a peece of the shoulder blade of a hogg flayed, and it was blacke and bloody like meat that had bine shott, and it was a great bone of a well-growne hogg, and it tasted like wood-fed porke and not like porke fed wth pease); and the next morning to breakefast they had another peece of flayed porke, (as hee tooke it) a peece aboute the rump; the said deponent tooke occasion to speake to Langden aboute the hoggs skine w^{ch} hee said an Indian brought to his house, telling him hee tooke not a legall course to cleare himselfe, but all would blame him; but Langden seemed to take it ill from him and began to say it might be a wild hogg; but the said deponent answered it was not; Langden asked if he see M^r Pruddens hoggs; the said deponent answered no, nor did beleewe he should, for they were out of his sight:/

William Willmot, aged aboute 21 yeares, affirmeth vpon oath that hee knowes all the forementioned testimonie to be true vpon his owne knowledg, being then present wth the said Edward

* Rev. Peter Prudden, of Milford.

Camp./ After w^{ch} testimonies were given in, Thomas Langden said he had noth against the testimonies, but said his wife vsed to take the skine of the porke when they had strangers; Edward Camp said he was sure the last peece had not the skine taken of after it came out of the pott, and he was told that the other could not be so done for strangers, for they were at supper when the strangers came in. He said for the blackness it might be wth the salt, but was told that could not be: he said in y^e issue he had no porke but what he came honestly by; being asked what hee [124] ment by honest comeing by it, he said that w^{ch} was brought to him vpon the 15th of February. After two examinations at Millford, where in he denyed the killing of any hogg, he confessed that he wth his dogg killed one of M^r Pruddens swine, in manner as followeth: viz^d, that his hoggs came to a stack of corne and had eate their belly full and there lay; he crying out to scare them, his dogg came to him and ran vpon one of them, both dogg and hogg into the river and there allmost both drowned, but geting ouer the other side, the dogg vpon the land stood and held the hogg by the eare, the body of the hogg being in y^e water, his head onely out; he caled his dogg, but he would not come, so he left them; afterward his dogg came home all bloody; the next day he went againe to the same stack of corne, and his dogg being wth him did winde the hogg and went towards him; Langden perceiving that, he gott a cannow & went and found the hogg dead, and flaying of the skin, w^{ch} was torne, he there left it and brought away the flesh wth him, w^{ch} as he saith he did conceive to bee aboute a dozen pound; some of it was all bloody; and all this was after the last great flood, and he confesseth it was some of this hogg that Edward Camp and William Wilmot eate of. After these examinations at Millford, Capt Astwood sent him to New Haven where the Gouverno^r wth the Magistrats examined him two or three times; at first he owned the killing of one hogg in the manner as is before expressed, but would owne but aboute a dozen pound that he had of it; but being further examined another time, confessed he had aboute halfe the hogg, but the Gouverno^r and Magistrats not being satisfyed wth this confession, being assured he had more of y^e hogg (beside what others he might haue), agreed to send him to the prison house to lye in irons, and after the Marshall had him forth, hee desired to come in againe, and then

confessed he had the whole hog, but that he was killed as he had confessed before, and that he flayed parte of him, and shaued parte of him wth his knife. Thomas Langden was wished now to speake the truth: he said he was much troubled wth M^r Pruddens hoggs; they eate his corne, and in the manner as is before expressed he did kill one of them, w^{ch} he flayed the hinder parts of and the other parte hee shaved wth his knife. Langden was told that by his owne confession and the testimonie given in vpon oath it appeares he hath killed two swine, for that he killed he saith was flayed in y^e hinder parts, and that w^{ch} Edwa. Camp and William Willmot eate of ouer night was flayed on the fore parts; and Richard Hubball, M^r Wakemans man, now testifies that one time his master and he went theither and Goodman Langden brought vp a peece of porke to sett on for them; it was the hinder parte of a loine, and it had the stump of y^e tayle on, and was not flayed but as other porke is: Langden was told that this is a third hogg w^{ch} he had killed; he againe denyed and said he had but one, but was told the Court cannot beleeeve him, and Capt Astwood remembred him of his stiff denyalles at Millford, and wth what dreadfull asseverations he caled God to witnes and wished the sunn might never shine on him if he was guilty, and now all appeares false. He said that M^r Pruddens men brought a peece of porke, the hinder part of a loine, one time when they came theither, and that might be it that M^r Wakemans man speakes of; M^r Prudden said he beleeves his men caried no [125] such peece, and it was said that M^r Pruddens men affirme that what they caried they eate vp before they went away, therefore it could not be that: /

Goodwife Langden was called to answer because she concealed this theft: she said she neuer saw any but the hinder parts of that hogg that the dogg killed, & she was in the meddow a milking when her husband brought it in, and she would haue had him goe to M^r Prudden and tell him of it; she was asked if she did not dress the meate was spent in the house; she said yes, and then was told she knew well the hinder parts from the fore parts, for it is clear that that Edwa. Camp eat of was of the fore quarter, and she dressed it and eate part of it; she said may be it might be spent when she was at Millford, her husband said there was but littell spent but when she was at home; she againe being wished to speake the truth, said she knew of no more but

the hinder quarters of one hogg and she cried, and would not haue had him had it; she was asked why she did not reveale it; it was answered by some that she had said she durst not for feare of her husband, and Edward Granest,* M^r Wakemans man, testifyeth that Goodwife Langden told him that if her husband was whipt by her meanes, if he came to her againe, she must not looke to live; she said it may be she might say so; and Edward Granest further saith that one time in y^e meddow at Paugaset Goodman Langden beate his wife, because she did not goe to weede corne; and Richard Hubball testifies that Goodwife Langden told him that if any man whipt her husband he said he would be the death of him; the Marshall said he himselfe had said to that purpose to his sonn, and Langden now confesseth that he had spoken such words, but said he now sees the evill of it:/

Thomas Langden was asked what it is he hath said concerning Phillip Leeke; he s^d one time in the spring Phillip Leeke being at Paugaset wth him, they were talking what a deale of corne might be gotten at Paugaset; Langden said that M^r Pruddens hoggs would eate it vp; Phillip said if M^r Prudden send his hoggs theither, it is lawful for the English or Indians to kill them; and another time this winter past he was there, and Langden was complaining of M^r Pruddens hoggs; Phillip Leeke said that if they eate his corne, he might shoote them, and if it was his case he would not want fatt porke as long as one of them was left:/

Phillip Leeke saith for that he speakes of the first time it is altogether vntrue, and for the second time it was thus: Thomas Langden was complaining of M^r Pruddens hoggs, that they had done him much harme, and spake reproachfully of M^r Prudden; he then said to him, if M^r Pruddens hoggs did him damage he might pound them, and he questioned not but M^r Prudden would satisfye, but if M^r Prudden would not, yet he questioned not but the Court would doe right, but in the issue he said if no way else will doe, he thought he might shoote them, and then tell Mr Prudden, and he questioned not but the Court would justifie him; but to say that if he was in his case he would neuer want fatt porke, he vtterly denyes. The Court told Phillip Leeke that

* Or Grannis.

as he relates it himselfe it is a most sinnfull speech, and if that counsell be followed, whose cattell can be safe; and the Court cannot pass it by: /

Thomas Langden was also charged wth tradeing powder wth the Indians, and was required to giue account of what po^r he hath bought of any since hee went to Paugaset; he said he had fūe pound of William East, of Millford, and two pound of Ensigne Bryan, 2^l of Richard Bryan, two pound of M^r Wake-man, and one pound of M^r Goodyeare; but one pound of this was for his brother Woster,* and two pound for Richard Hubball, one pound of w^{ch} he traded wth the Indians; he was asked how much he traded wth the Indians; he said foure pound, and the rest he hath shott away: /

Thomas Langden hauing no more to say, the Court proceeded to sentence and Ordered that for these three swine, w^{ch} is cleerely proued, though the rest of the company might be charged also, but for these three being valewed at three pounds a peece is nine pounds, and though in some sorts of cattell the restitution is foure or fūe fold, yet the Court haue [126] agreed to set it but double, and therefore he is to pay to M^r Prudden for these swine eightene pounds; and for the foure pound of po^r w^{ch} by his owne confession he hath traded wth the Indians, (though beleeves he hath traded more,) being valewed at ten shillings, and according to the law in that case is twenty for one, and therefore for this that he paye to the Jurisdiction tenn pounds; and for his continewed lying wth impudency calling God to witnes to a lye wth dreadfull asseverations prophaning the name of God, wth other bitter cariag to his wife, and threatening those that correct him for these miscariages, he is to be severely whipt. And for his wife, she is guilty of theft wth him in concealing the matter, but because of his threatening words and tyranical cariag, w^{ch} might put her in some feare, therfore the Court layes no corporall punishment vpon her, though she deserve it, but for her lying whereof she is much guilty in this buisnes, and that before authority, he is to paye for (this being the second time) twenty shillings, according to the law in that case: /

Thomas Langden was asked what security he can giue for the satisfying of what is now laid vpon him; he said he had

* Edward Wooster, of Milford.

none, but he desired libbertie till the next Court, and he would indeauour to get securitie, w^{ch} if he could not doe he would p^rsent himsele to the Courts pleasuer; he was asked where his estate is; he said at Paugaset, all but two swine that are at Millford; w^{ch} swine were ordered to be sould to defraye the charges that haue bine aboute this buisnes, and he was to giue a note to the Marshall of the other part of his estate: /

For Phillip Leeke, he was told, the speech as Thomas Langden relates it may render him guilty of theft also; but takeing his owne confession, it is a verey sinnfull speech and pernicious corrupt counsell, and Langden makes vse of it and saith he hath bine drawne to this fact by that counsell; therefore takeing the matter as his owne confession is, the Court orders that he paye as a fine to the Towne forty shillings; but had what Thomas Langden saith bine fully proved, it would haue bine witnessed against in another manner: /

Richard Hubball was called, and charged wth selling powder to y^e Indians; hee confest hee did sell some; he was asked how much; he said hee knowes not justly, but he conceives at severall times aboute two pound; he was asked if he knew not of the Order against it: he said at first hee did not, but after his master suspecting something warned him of it and then hee left it and is now sorrey for it; hee was tould the Court is sorrey too, for it is a mischeifous trade & brings a great fine vpon himsele, but they cannot help it, for it is the Law of the Jurisdiction,* and therefore the Court orders that Richard Hubball paye to the Jurisdiction for tradeing this two pound of powder wth the Indians twenty for one, w^{ch} is five pounds.

[127] AT A GENERLL COURT FOR NEW HAVEN MARCH 21TH, 1652

The Gouverno^r acquainted the Towne that the time is a time of danger, many rumours being spread of a combination of the Indians against the English, w^{ch} rumour comes so many wayes from severall Indians that it seemes to be true, and therefore it concernes us to consider of and vse meanes for our owne safety; and first it is necessary that there should be a Serjant chosen, for

* N. H. Colonial Records, ii, 594.

Serjant Andrewes by reason of his weakness and remote dwelling* cannot supply the place. The Court considered of the proposition and thought it necessary, and severall were propounded, but by vote Thomas Jeffery† was chosen Serjant for this Towne in the roome of Serjant Andrewes: /

The Towne was also acquainted that there wants a drummer, Natha. Kimberly being gone who did supply the place. Ephraim How was propounded, and chosen drummer for this Towne: he is to attend the publique occasions of the Towne for druming, as Robert Basset did, and keepe his drume in repaire at his owne charge, it being so put into his hand, and is so to leaue it when he shall leaue the worke; aboute the watch he was particularly tould he must beate the drume in the euening when the watch is sett halfe an houre at the Serjants house, and so march to the watch-house wth them, and in y^e morning when the watch breakes vp; and for his service being faithfully performed, he is to haue seuen pound a yeare, w^{ch} yeare is to beginne this day: /

The Towne was further acquainted that considering the danger of the times‡ the watches haue bine altered from foure a night to seven a night, as it hath bine formerly, but they were remembered that in September, 49, when wee were in something the like danger, thought not altogether so great, yet then the watches were brought to nine a night, and those Orders being read, the Court saw cause to make the watches as they were then for number, and that the Orders then made for the watch be attended, onely for the time of setting the watch it is now to be half an houre after sun sett and not to breake vp till sunn rising; and they are not to shoote of any of their gunns, except it be in case of an alareum, against w^{ch} time men were desired to prepare themselues by haveing their armes ready that they may quickly put them on & march away to the meeting house or otherwise, as the order is in the Towne records, fo. 124;§ and that before hand they would [see] how to dispose of wiues & chiddren that they doe not hang aboute them to hinder them from the publique service; and that during these times of danger, till it be other-

* On the south side of Grove street, east of Temple street (not then opened).

† He lived on the west side of State street, near Crown.

‡ Rumors of an impending Dutch and Indian war.

§ N. H. Colonial Records, printed ed., i, 205.

wise Ordered, all the trayne band are to come compleatly armed, wth at least 5 or 6 charges of po^r & shott, to all publike meetings, farmers as well as others, leauing no more armes at home then they leaue men to vse them, and seeing they are freed from watching at [128] Towne, that they keepe watch at the farmes; the manner how they shall order it, is left to the millitary officers to give them direction, and till further order two men are to ward* in the Towne every day, takeing it by course as the watches are, and the millitary officers are desired to see to the ordering of them and give them such directions as they see cause.

It is Ordered that the halfe pikes shall be forthwth headed, and the whole ones mended or made as they neede, and Leiuennant Nash was desired to looke after it: /

Every souldier was desired to get some cartrages or some other way how he may haue at least six charges of po^r ready; also no man is to leaue his gunn in y^e meeting house one any publike meeting dayes, as the manner of some is, least their gunns be seized and they fined for it: /

Samuell Whithead was desired to dress the swords that are brought to him for that purpose; and the gunsmithes are desired to attend the mending of the gunns in the Towne that are brought to them: /

It is ordered that wood is to be provided for the watch-house at y^e Townes charge; and euey [one] that is to watch is to come to y^e Serjants house of his squadron at sun sett, wth his gunn vncharged, and the Serjant is to lead them to the watch house wth the drum, and view their armes, & see their gunns loded, and give them y^e charge, and so depart, and y^e watch master is not to suffer any to come and sitt wth the watch after it is sett, as it hath bine the manner of some to doe, whereby they idell away their time and hinder the watch in their service: /

The dore of the meeting house next the souldiours seat is Ordered to be kept cleare from weomen and children sitting there, that if there be occasion for the soldiours to goe suddenly forth, they may haue a free passage: /

The boyes and youthes of the Towne are Ordered to sitt in y^e seat where the scollers vsed to sitt, and one of y^e Corporalls

* By the distinction then commonly made, *watch* was used for guard by night, and *ward* for guard by day.

are desired to sitt in y^e vpermost seat behinde them to see that they be not disorderly; and what cannot sitt there are to sitt before the deacons seat and old Brother Wheeler* is to looke to them; and if any boyes absent themselues from these places, the Marshall is to looke after them & bring them in: /

Vpon the desire of M^r Dauenport, the Court granted to him the other part of M^r Roes home lott, w^{ch} lyes betwixt that they gaue M^r Gilbert and that they gave M^r Davenport before: /

Vpon M^r Allertons desire, the Court granted a little addition of land out of Oyster shell feild to what they gaue him last Court; it is aboute eight or nine rod: /

The Committee for the allowing of planters to buy more house lotts then they haue, is the Magistrats, y^e Deputies for y^e Court, & y^e deacons: /

The Gouverno^r acquainted y^e Towne that y^e Indians complaine that the swine that belong to the Towne or farmes doe them much wrong in eating their corne, and now they intend to take in a new peece of ground, and they desire the English would help them to fence it, and that those w^{ch} haue meddowes at the end of their ground would fence it & saue them fencing aboute. Serjant Jeffery and Jn^o Brocket were appointed to goe speake wth them, to knowe what ground it is they intend to take in, and to view it & see what fencing it may be, & give y^m the best direction they can. The Sagamore also desires the Towne to give him a coate; he saith he is old & poore & cannot worke. The Towne declared themselues free that hee should haue a Coate given him at y^e Townes charge: /

[129] AT A GENERALL COURT FOR NEWHAVEN, APRILL 11TH, 1653.

The Orders made the last Gene^{all} Court for y^e Jurisdiction were now read.

The Gouverno^r desired that in his absence† they would be carefull to see that the watches be duely attended, and that the great

* Thomas Wheeler, Sr., who died in 1673.

† An important meeting of the Commissioners of the United Colonies was to be held in Boston during the following week.

gunns may be fitted for service, and that the platforme* may be finished, and though it cost more then the Jurisdiction will allow, yet it must be done and Newhaven must beare it; also that any further meanes for our safety may be considered of, by making any workes at the Blacke Rocke or planting any gunns there or elsewhere for securitie of the harbour; all w^{ch} things were thought fitt to be considered of and was left to the men hereafter named as a Committee to order as they shall see cause; onely it is agreed by the Towne that what worke is to be done by the Towne at platforme shall be done in day worke, every squadron workeing a day; and for any particular man that doth not trayne & so is not in y^e squadron, the Committee is to consider & bring them in to worke; the Committee is the millitary officers, the two deputies for the Generall Court, M^r Rotherford, Jeremiah How, John Coop^r, Tho. Morris, & John Wakefeild: /

It was propounded that there might bee keepers for dry cattell this yeare, but it is left to the Townsmen to consider of and determine.

It was agreed that the Towne shall paye for the time the docter was in M^r Malbons house, aboue the time agreed for; the charge he hath laid out vpon the house, and the time he was kept out after he should haue entered being deducted: /

It is Ordered concerning the Indians land, spoken of the last Court, that Thomas Jeffery, John Brocket, William Tuttill & Robert Talmag shall be a Committee to view the ground w^{ch} they say is theirs and to advise them for the best aboute fencing, the meddow lying against their ground bearing its due proportion; and that some men be appointed at the Townes charge, to show them how, and to helpe them in their fencing, that so wee may not haue such complaints from them of cattell & hoggs spoyling their corne, w^{ch} they say makes their squaes & chlldren cry: /

A MEETING OF YE COURT EXTRAORDINARY, MARCH 23TH, 1652

Vpon a complaint made to y^e Gouverno^r of sundrie youtnes in y^e Towne that had committed much wickedness in a filthy cor-

* On the roof of the meeting-house.

rupting way one wth another, they were called before the Gouvernor & Magistrats, viz^d: Benjamin Bunill, Joshua Bradly, Joseph Benham, William Trobridg, Thomas Tuttill & Thomas Kimberly; they were examined in a private way, and their examinations taken in wrighting, w^{ch} were of such a filthy nature as is not fitt to be made known in a publique way; after w^{ch} the Court were called together, and y^e youthes before them; their examinations were read and vpon their severall confessions the Court, being mett at the meeting house vpon the day aboue written, sentenced the youthes aboue named to bee whipt publicly; and whereas Jn^o Clarke, servant to Jeremiah Whitnell, was questioned and charged by one of them for some filthy cariag, he denyed it, and another of the company in some measure cleered him from that the other charged him wth, wherevpon he was not sentenced to be corrected publicly, but the Court left it wth his master to giue him that correction in the family w^{ch} he should see meete, warning John Clarke that if euer any such cariag came forth against him hereafter, the Court would call these miscariages charged vpon him to minde againe: /

[130] AT A GENERALL COURT FOR NEWHAVEN, MAY 4TH, 1653.

M^r Goodyeare acquainted the Towne wth sundrie defects that was taken notice of the last alareum, and they were desired to see them amended if the like occasion bee; and for Rogger Allen, the master of the watch that night (w^{ch} the Towne looked vpon as in a great fault, not suffering the alarum to be giuen though the sentinell told him he heard a gunn), it is referred to another time.

It is agreed that a millitary watch shall be kept by the whole Towne one night, for the better informing them in their duty in matter of watches, and every souldiour in y^e Towne is required to attend it, vnder y^e penaltie of such fine as the particular Court shall judg meete: /

It is Ordered that foure men shall be added to y^e watch every night, till the Court sees cause to alter it: and how these 13 men shall be disposed of in the service, it is left to the millitary officers to order.

It is Ordered that every souldiour shall haue at least six chargers fitt for his gun ready filled; and those that can make them are desired to attend it; and after they may be had, if men want them, they are to be fined as for want of any other part of their armes: /

AT A GENERALL COURT FOR NEWHAVEN, MAY 23TH, 1653.

M^r William Gibbard and Henry Lindon were chosen deputies for the Gen^{ll} Court for the Jurisdiction for y^e yeare ensuing, as occasions present.

M^r Gibbard, M^r Atwater, Henry Lindon and Leivtennant John Nash were chosen deputies for the particular monethly Court of New haven for the yeare insuing.

M^r Atwater is chosen Treasurer for New haven for y^e yeare insuing.

Francis Newman was chosen Secretarie for New haven for y^e yeare ensuing.

Thomas Kimberly was chosen Marshall for New haven for y^e yeare ensuing.

M^r Gibbard, John Coop^r, Samuel Whithead, William Russell, William Daus, John Ponderson & James Bishop were chosen Townsmen for the year ensuing; and if any of them shall remoue or be forth vpon publique occasions, those that are next in the vote shall make a supply: /

It is propounded, considered, and now Ordered, that the watch shall bee reduced to nine in a night, as it was before it was last altered: /

It is Ordered that the officers give in charge to the warders to let the Indians know that they are not to come into the Towne wth any armes; and if after warning any shall so come, that they take their armes away: and if any strang Indians come into the Towne, that they examine them, and if their buisnes be publique to cary them to the Magistrate, that hee may know it; but if they haue no such buisnes, then they are to cause them to depart, and not suffer them to walke vp and downe y^e Towne: /

The next 4th day is no Trayning; but the 4th day after, and then the Towne to agree among themselves to trayne once a fortnight as they see cause:/

It is agreed that every man shall cut up the great stinking poysonous weede w^{ch} growes against his owne ground; and for that w^{ch} growes in the market place or other common place aboute y^e Towne, that it be cut vp by some man appointed at the Townes charge:/

Edward Parker, hauing his barne burnt and being now aboute to build another, hath libbertie to fall some small trees in the oxe pasture for that purpose:/

[131] AT A GENERALL COURT FOR NEWHAVEN, JUNE 21TH, 1653.

The Gouverno^r acquainted the Towne wth the substance of proceedings at the Commission concerning warr wth the Duch:* and being he was now to goe to Connecticot to haue some considerations wth them what may be best for our owne safety, desired if any man had any thing to communicate they would speake; wherevpon some did say that they desired that the Parliament in England may be informed how things haue bine caried heare,† that so the innocent may not suffer for y^e guilty.

The Gouverno^r acquainted the Towne that M^r Bower whom they sent for to keepe scoole is now come, and that it hath bine difficult to finde a place for his aboade, but now Thomas Kimberlys house‡ is agreed vpon, and he intends to begine his worke next 5th day, if the Towne please; wth w^{ch} the Towne was satisfyed and declared that they would allow him as they did M^r Handford, that is twenty pounds a yeare, and paye for his dyet

* See Acts of the Commissioners of the United Colonies of New England, in Plymouth Colony Records, x, 72-3.

† It was perhaps owing to this desire that the Rev. William Hooke wrote shortly after this date a letter to Cromwell (his wife's cousin), which is printed in Thurloe's "State Papers," i, 564, and which gives some account of the state of affairs in New England; the date of the letter as there given is November 3, 1653; but it was certainly two or three months earlier. (See Calendar of State Papers, Domestic, 1653-54, p. 189.)

‡ On the north side of Chapel street, near Orange.

& chamber; and they expected from him that worke w^{ch} M^r Handford was to doe; and some that had spoken wth him declared that vpon these conditions hee was content: /

The particular Court, viz^d, Magistrats and Deputies, are chosen to audit the Treasurers accounts for the yeare past: /

Those that were appointed to haue their horses ready for publique service, were desired speedily to looke them vp; and the Towne was now acquainted that the Generall Court hath made an Order* that no horses shall be sould or sent out of the Jurisdiction, wthout lycense as in the case of other cattell: /

AT A COURT HELD AT NEWHAVEN, THE 5TH JULY, 1653.

James Clarke complained of Ellis Mew, that liues wth John Jones at M^r Lings farme, that one day when John Jones and his wife were from home, he came into y^e roome where his daughter (who liued wth John Jones also) was, and offered to abuse her in a filthy way, throwing her downe vpon the bed, kissing her, pulled downe his breeches, and would haue forced her, but she cryed out and he left her:

Susan Clarke, daughter to James Clarke, was asked what Ellis Mew did to her: she said he came into y^e roome, threwe her vpon the bed, and discouered her nakedness and his owne too, and ownes the more full relation her father had made to be the truth; but Ellis Mew said he discovered not her nakedness nor his owne; after w^{ch} there were many questions propounded by M^r Linge and others, whether Ellis were given to lying or no. John Jones, his wife, and M^r Tuttill said they had not observed that he was giuen to lying, but was told that proues nothing, but hee may be guilty in this buisnes; no man can say Gehezie was given to lying before he followed Naaman, but vpon that occasion he falls to it. Goodwife Jones said that she had taken the girle in some vntruthes, but was told that doth not proue that she tells vntruth in this case: nor is it likely that such a young girle should bee so impudent as to charge such a carriage vpon a young man when it was not so.

* See N. H. Colonial Records, ii, 3.

Goodwife Clarke, mother to y^e maide, said that the girle should haue gone to Millford to dwell wth Capt Astwood, and she spake wth [132] Goodwife Jones to part wth her, but she was not willing; she said not because of her great working but for her faithfullness and good disposition she saw in the girle; and the girle was likewise willing to remain there: so she sent to Capt. Astwood to tell them she could not come, and since that time she hath not heard anything they had against the girle till now: /

Goodwife Jones denyed not what Goodwife Clarke said, but said y^t of late she hath found the girle more vnfaithfull in her buisnes then formerly, and Goodwife Jones spake also of the girles cariag after she saith this thing was done, that she was verely merry and seemed not troubled at all, and it was said that the girle had that day purled the sleue of Ellis his shirt, as he had it on, and the girle being asked she said she did doe 5 or 6 purles, because he would not let her be at quiet till she did it, for w^{ch} the girle was blamed; but yet all this prouing nothing fully in the case, Ellis Mew was againe called to declare the truth: he said that hee did throw her vpon the bed and kiss her, but that was all and hee intended no hurt, and when she bid him let her alone, else she would tell her master and dame, then he let her alone: /

The Court considered of the case and see that here is a fact charged but not fully proued in y^e compass of it, but so much as hee confesseth is that hee tooke y^e opportunity when master and dame were from home, comes into y^e roome where she is alone, and no body else in y^e house, throwes her vpon y^e bed and kisses her, and vpon her threatening to tell her master and dame, he saith hee left her; but if such courses bee suffered, whose chilldren can be safe from such temptations and defylement: wherefore the Court, takeing but what himselfe confesseth, doe judg and by way of sentence declare that Ellis Mew for this miscariage be publiquely corrected by whipping: /

Isacke Beecher entred an action against John Sacket, but afterward the buisnes was referred to arbytration; and they both chose Henry Lindon and John Nash to end the difference betwixt them, and promise to stand to the issue they shall make: but if they two cannot agree, they give them power to chuse a third man to themselues, that so a full end may be made of it: /

Thomas Kimberly acquainted the Court that there is a debt of thirty six shillings due from Captaine How to John Peakin of Southold, w^{ch} hee was intrusted to looke after; and vnderstanding that there was money in M^r Atwaters hand due to Capt How, he attached so much in his hand, and now desired the Court to give order that hee may receive it. The Court told him that the debt being fully proued and hee ingageing to saue the Court from any damage may come to them in this case, he may receive it for the vse of John Peakin: /

[133] AT A COURT HELD AT NEWHAVEN, THE 2D AUGUST, 1653.

William Tompson passeth ouer to Thomas Nash seauenteene ackers of meddow, lying vpon the Indian side, betwixt the Ferry pointe and the Indian feild; Thomas Lamsons meddow lying at the easterly end of it, next the Red rocke: /

Thomas Nash complained of the fence of John Benham, that is next his home lott. John Benham was sent for, and told if it bee not speedily done, to secure Thom Nash from damage, the Court must cast a sharpe fine vpon him, for it hath bine long complained of. Jn^o Benham promised it should be speedily and sufficiently amended: /

AT A GENERALL COURT HELD FOR NEWHAVEN AUGUST 3D, 1653.

The Gouvernor acquainted the Towne that hee heares that sundrie Orders made in the Towne are not attended, aboute alarams, traynings, watchings, and warding on the Lords day, w^{ch} negligence and carelesnes of people if it goe on is likely to bring great mischeife vpon the Towne, and therefore all men are now desired to attend these services better, or else fines must be speedily levyed, and more harsher courses taken w^{ch} the Court haue no pleasure in: /

And therefore it now Ordered that if any man shall not readily attend the publique service in watchings, traynings, warding and

bringing armes on the Lords day and at the time of alarams, according to the Orders already made in the severall cases, the Marshall wthout staying for a Court shall forthwth gather the fines due in such cases (and where the fine is not set, to complaine to y^e Court), and if he cannot haue them otherwise, to take them by distress.

It is Ordered, that onely two squadrons shall bring their armes on the Lords day or other dayes of publique meeting, according to the law, and vnder the penaltie in that case, leauing power in the millitary officers hands to giue order for the whole Towne to bring their armes if they see cause; and those who are to walke the rounds vpon their severall dayes are to come timely enough, that the officers may haue libbertie to send them forth wthout disturbance before the Ordinances beginne: /

Severall in the Towne complained that the watch, as it is now, is too heavy for them to cary on, and that it is not equally carryed, severall in the Towne not watching at all; yet not being willing to name particular persons they desired that all might watch but Magistrats and Elders, w^{ch} was objected against and some debate aboute it; but being put to vote it is now ordered that, during the times of these hurries and disturbances, none shall be exempted from watching but Magistrats and Elders and millitary officers, who are in stead there of to attend the service aboute setting and ouerseeing the watch as formerly: /

The Gouverno^r acquainted y^e Towne and read to them a letter from y^e Counsell of State in England for providing of tarr, and wth certaine goods at cheape rates sent ouer to paye for the same, and desired that every man would doe the best he can to furthe^r the worke, w^{ch} will be an acceptable service to y^e Commonwealth of England and a great benifit to this cuntry, if it can be attayned: /

The Gouverno^r also acquainted the Towne that M^r Leete is now returned from y^e Bay, but brings no satisfying answer,* onely they desire the Commission^s might meete in the begining of September, w^{ch} the Generall Court for the Jurisdiction, w^{ch} is to meete in the afternoone, will consider of: /

* Massachusetts declined to join New Haven and Connecticut in making war on New Netherland.

[134] AT A GENERALL COURT HELD FOR NEWHAVEN, AUGUST
17TH, 1653

First, severall Orders made by the Generall Court for the Jurisdiction were read; in reading whereof it appeared that one of them, viz^d, aboute packers for flesh,* refferred something to be done by this Court, as aboute chusing y^e men, both for quallity and number, also aboute the price for packing, wth the penalty if any shall offend. Wherefore this Court did now chuse Nicholas Elsy, Edward Parker, and Henry Gibbins, to be publique packers for this Towne, who are faithfully to attend that service when called to it, and for their paines and time spent aboute it (all things being ready prepared before hand, that they staye not waitting for any thing necessary to doe it wthall) they are to haue six pence a barrell, vnless they shall packe some great quantity for a man together, then it is left to the packer to abate as he sees cause; and for the more equall proceeding here in at first, it is ordered they shall haue a pare of steelyards made at the Townes charge, to weigh the meate wth, that they may see the better what goes into a barrell in an ordinary way of packing, and may the better know how to pack it afterward wthout weighing; also they shall haue each of them a particular distinct brand marke w^{ch} they shall m^rke euery barrell they packe wth, w^{ch} marke shall be knowne to be y^e packers marke, and wee may know w^{ch} of the packers packed such a barrell if any complainte should be made of it; and if any shall sell flesh not packed by the said packers, he shall forfeite twenty shillings for each barrell he shall so sell.

And the three forementioned packers tooke oath, that they will deale faithfully in y^e buisnes of packing, both for quantity and quallity, as neere as they can according to the Order, onely whereas it is said round the beast, the meaning is that they see they haue the whole quarters, not tying it to the fore quarters or hinder quarters, but see that none of the best peeces be taken out: /

It is Ordered that the watch shall now be reduced to seven in a night, as it was formerly (leauing it to the Magistrate to give other order, for increase as he sees cause) and according

* See N. H. Colonial Records, ii, 24.

to the former orders, and that the drum now beate at the watch house at the time appointed, and the master & the watchmen all to be there, according to the Order, and the Serjant, in whose squadron the watch is, to meete them there at the time, and view the armes, and sett the watch, and if he findes any defects in late comeing or defect of armes, that he presently give the Marshall notice of it who is (wthout staying for a Court) to gather the fines, by distress if they will not be otherwise paid, and if the master of the watch finde any defects after the Serjant is gone, he shall the next morning informe the Serjant of it, who shall giue order to the Marshall to gather the fines as before. And for walking on the Lords day, it is ordered that two shall walke in the morning, and one stand sentinell at dore, and one vpon the meeting house, and so in the afternoone, till vpon y^e appearance of further danger, other order be given. And it is further Ordered, that those that walke the rounds, either vpon the Lords day or in y^e night, shall haue a speciall eye to the water side, to take notice of any vessell that may come in to doe mischeife, and if they discoue^r any of considerable burden that they know not, but may be enemies as well as frends, that they presently acquainte [A blank here follows in the manuscript.]

[135] AT A GENERALL COURT FOR NEWHAVEN, OCTOBER 10TH, 1653.

The Towne was informed that the principall cause of this meeting is to chuse new viewers for fences, and accordingly these men hereafter named were chosen for the severall feilds whereto they are appointed: for M^r Eatons quarter and all wthin that feild, Thomas Jeffery and William Russell; for both the feilds from y^e Gouverno^{rs} lott toward the mill, M^r Tuttill and Christopher Todd; for Goodman Judsons quarter, John Ponderson and Thomas Meekes; for the ox pasture, Thom. Mitchell and Rogger Allen; for M^r Goodyears quarter, John Benham & Jeremiah Osborne; for the quarter next the sea, Henry Glouer and Henry Gibbins. These are chosen for the yeare ensuing, and are to attend all orders formerly made and still standing in force aboute viewing fences, & vnder the same penalty as formerly: /

The bringing of the Beavo^r pond brooke to the Towne to sett the mill vpon was againe propounded; and if vpon a serious view it is like to be done, the Towne by a vote declared that they will in the seuerall squadrons in their turnes worke at the making the damm, a day, two, or three, & more also, so that the thing may be accomplished: /

AT A GENERALL COURT FOR NEWHAVEN, OCTOBER 19TH, 1653.

An Order made the last Jurisdiction Generall Court concerning prohibition of Duch vessells was read; and also an Order then made for a rate of three hundred pound to be paid by the Jurisdiction, and a rate of neere seventy pounds to be raised for paying for the powder & amunition that came out of the Bay the last summer: the Towne considered that their part will rise to a great somme, and therefore for the discharging of their part of five hundered pounds to the Jurisdiction and their part of y^e seventy pounds for po^r & amunition and defraying the necessary charges of the Towne beside, it is now Ordered that foure rates shall be gathered in this Towne this yeare, one of them allready due y^e first of Septem last, the other three by the last of December next: /

The Gouverno^r acquainted the Towne wth sundrie passages of the commission^rs at their meeting in Aprill and September, and wth the agitations they had wth the Massachusetts Generall Court, and how the Commission^rs voted a warr against Ninnigrett and y^e grounds of it, and how after y^e Massachusetts Counsell stopt it, and how our Generall Court haue agreed to send to England to complaine, and haue chose a committee to treat wth some of Connecticote aboute the same matter: /

It was propounded to the Towne that they would chuse another millar, for Geo. Larremore is resolved to leaue it. The Towne said it belonged not to them, but left it to y^e owners of y^e mill to chuse one that may answer the Townes occasions: /

It was propounded that the Towne would thinke of and take some course aboute fencing some land for the Indians, w^{ch} was spoken of last yeare but reserued till this winter. It was thought most convenient, and so ordered, that the Townsemen shall treat

wth the Indians, getting M^r Percon* and his Indian for interpreters, and make a full agreement in wrighting, what wee shall doe and what they shall be bound to; and let them know that what their agreement is, wee expect they shall performe it: /

It was propounded that an Order might be made that no hides may be sent out of the Towne: some answered that will doe no good except they be kept in the Towne after they be tanned and that the [136] Towne may be fully supplied wth shooes at cheaper rates then now they are, before any be sent away to Vergenia or other places: so that the issue was that the tanners and shooemakers were to be spoken wth before any such order be made: /

AT A COURT HELD AT NEW HAVEN, NOVEMBER FIRST, 1653

John Chidsy was complained of for sleeping in his watch: also Thom. Tuttill, who was the sentinel, was asleepe when the Serjant came. Jn^o Chidsy said he thinkes he was in a slumber, but he apprehends that he heard the first buseling and stirr betwixt Serjant Jeffery and the sentinel. Also, Joseph Benham and Sam: Farnes, who were of the same watch, were faulty. But the Serjant being absent that saw these miscariages, and the sentinel w^{ch} was sleeping not here, nor Farnes, nor Benham, it was respited till next Court: /

The Court and deacons granted to Serjant Jeffery libbertie to buy three quarters of an ac^r of M^r Hiccockes home lott to enlarge his owne,† vpon condition that Thom. North is to buy of him that house and land that was Goodwife Fullers: /

The will and inventory of John Basset, late of New Haven, deceased, were presented to the Court, and Richard Miles now, and John Harriman the 3^d of January following, the two witnesses to the said will, tooke oath that it was the last will and testament of John Basset, and made by him when he had his vnderstanding and memory fitt for that worke. Also, Richard Miles now, and

* Rev. Abraham Pierson, Senior, of Branford, was proficient in the Indian language.

† The lot assigned to Mr. Hicock, who never occupied it, was on the east side of Church street near Crown; and that of Thomas Jeffery, on State street, bordered on it in the rear.

John Harriman and Thomas Munson the 3^d Jan. following, the three apprisers of the inventory, tooke oath that according to their best light and vnderstanding the apprisment conteyned in y^e said inventory is a true and just apprizment: and M^r Goodyear, the Dept. Gouverno^r, now testified in Court that before Margery Basset, the widdow of the said John, went from New haven to Stamford, she testified vpon oath that this is a full inventory of her husbands estate, according to her best light and knowledg:/

Thomas Wheeler desired libbertie of the Court, to buy the house of John Gregories, that he, y^e said Wheeler, liues in; he was told it is offensive to some in y^e Towne that when he could not haue leave of y^e Committee intrusted for such things to buy it, he went in an vnder hand way & bought, or hired it so as in his apprehension it stands for a buying. Many words he vsed to justify himselfe, and that he vnderstood from y^e Secretary and M^r Gibbard that their was no order against hiring and he went and hired it for one and twenty yeares; he was told his question to them was not of hiring a house for 21 yeares, but for his present necessitie, his owne house being then out of repaire: he said he thought if he might hire for a yeare, then as well for 21, and he said he had a wrighting w^{ch} showed he did but hire it; w^{ch} being showed to the Court, it appeared to be a false wrighting, for in it is expressed that he hath hired the house for 21 yeares, paying John Gregory ten shillings a yeare during that time; where as the truth is, and so he confesth, that he hath allready paide six pounds and is to paye foure pounds more, w^{ch} is the full valew he was and is to pay for the purchase: and he said John Gregory had another wrighting to that purpose. Vpon this the Court was offended, for he brings this wrighting but to deceave, and ordered that John Gregory should be sent too, to know how the matter stands:/

[137] M^r Linge, attorney for M^r Robins of Wethersfeild, entered an action against Thomas Blachly of Brandford for fetching away a bull of the said M^r Robins from Guilford wthout order, w^{ch} bull was left at the said Towne of Brandford or Totoket, and therefore desires satisfaction. Thomas Blachly said that he and Goodman Roses sonn fetched the bull for the Townes vse, Goodman Rose hauing hired him of M^r Robins for that purpose. Goodman Rose being present affirmed that M^r Swaine and M^r

Sherman wrott to him to Wethersfeild* to hire a bull for the Towne to goe wth their cowes, and hearing M^r Robins had one, hee went wth one Goodman Edwards and hired the bull and vpon that ground sent for him; and for the testimony of Goodman Edwards they sent a weeke agoe, but the messenger is not returned: therefore they desire it may be respited till next Court, w^{ch} was granted: /

Samuel Hodgkins complained of the watch, that one night aboute the begining of May last, he came from John Harrimans late in y^e night (wher he had bine grinding mault) and when he came aboute the great gunns (the moone shining bright) he saw the sentinel stand at the watch house corner; he marueled that he spake not, therefore he knocked wth his sticke on the ground to make a noise, but he spake not, so he passed on; but when he was almost at M^r Goodanhouse's† he thought he had not done well hee spake not to them, therefore went backe and came so neere y^e sentinel as he might haue struck him, before he spake and reproved him for his carelesnes in these dangerous times; but he marveled that vpon his discourse wth the sentinel he heard no stirring in y^e watch house, therfore went in and found John Winston, the master, asleepe in y^e chaire and y^e men asleepe and snorting, that he asked if they were driving hoggs. John Winston‡ saith hee apprehends he was not asleepe: Henry Winston, one of y^e men, confesth hee was asleepe, but hearing a noise wakened and heard Jn^o Winston and Sam. Hodgkins arguing aboute his being asleepe: but it was now said that Sam. Farnes and John Benham, two others of y^e men, will testifye vpon oath that the master was not then asleepe: wherefore it is referred till next Court, when all parties that it concernes is to be here: /

Edmund, M^r Hookes boy, was complained of by his master for runing away diuers times, and one time getting into M^r Wakemans mens chamber and opening a chest, and that he hath giuen him private correction in y^e family for it but hee hath not bine

* Robert Rose, of Wethersfield, William Swain, and the Rev. John Sherman, were among the earliest settlers in Branford.

† The guns and watch house were on the Green near College street; and Mr. Van Goodenhausen lived on the northeast corner of College and Elm. Harriman's inn was on the Chapel street side of the Green.

‡ Apparently an error for Henry Bristol.

reclaimed. The boy being present confesth all that was said was true, and could giue no reason of his so doing but his owne naughty heart, yet wthout any remorss or sorrow appearing. The Court considered the case and ordered that he should be publicly corrected wth a rod on y^e backe, to try if God may giue a blessing to this meanes for his recoverey out of these courses: /

Henry Yeates, an apprentize to Lancelot Baker, was by Lancelot Baker before the Gouverno^r turned ouer to John Jones for the remainder of his time, as his indenture showes; and the boy now in Court expressed his consent and desired to be wth John Jones during his time and to learne to be a husbandman; and John Jones now in Court accepted of him and promised to doe for the boy according to his indenture, except the learning him the trade therein specifed, w^{ch} the boy hath (as himselfe saith) no desire to learne: /

[138] AT A GENERALL COURT FOR NEWHAVEN, NOVEMBR 17TH,
1653.

The Gouverno^r informed the Towne that he hath received a wrighting w^{ch} came from Stamford, w^{ch} is to call in volunteers to goe against the Duch, and that ten men there haue giuen in their names to goe; also a letter from M^r Ludlow informing that Fairfeild haue had a meeting and concluded to goe against the Duch, and haue chose M^r Ludlow for their cheife, and he hath accepted it: vpon w^{ch} occasions the Gen^ll Court for the Jurisdiction is called to meete here one Tuesday next, to consider what is best to be done, but this meeting is called to know the minde of this Towne, both for the thing it selfe in goeing against the Duch, and for the season, it being so neare winter. The Towne generally disliked the proceeding of Stamford and Fairfeild to goe in such a mutinous way: but if Connecticote will joyne wth this Colony, they for their parts desire the designe may now goe on; but for the manner how, they leaue to the Generall Court, onely they desire that vessells may be procured necessary for y^e designe: /

Richard Hull is alowed to be loader to the mill, so long as he sees it may be comfortable for him, and is to have two penyworth

of corne out of every bushell, fetching it at their houses and carying it home againe: /

AT A GENERALL COURT FOR NEWHAVEN, DECEMBR 5TH, 1653

The Gouvernor informed the Towne that the meeting is aboute an Agreement made wth the Indians aboute fencing them in a new corne feild, wherein at the Townes request M^r Peircon hath bine desired to be helpfull as Interpreter, to w^{ch} Agreement the Townsmen haue subscribed on behalfe of the Towne and the sagamore and sundrie other Indians haue sett too their markes for themselves and the rest of the Indians, M^r Piercon and John Brocket witnesses, made the 29th of Nouember, 1653, wherein threescore dayes worke is promised them toward their fence; and they haue bound themselves to doe no damag to the English Cattell, and to secure their owne corne from damage or to require none; w^{ch} Agreement was read to the Towne and consented to by them. And after some debate aboute y^e manner of doing the dayes workes, it was voted that it should be done by men fitt and able for the worke and be paide out of the Towne Treasury: /

It is voted that a free libbertie is giuen to cutt wood in y^e necke for y^e clearing of it, wthout tying men to cutt in their owne lotts, but euery man where he finds it most convenient for him: /

It was a question by the farmers vpon the neck beyond Sollatary Cove, whether that clause in y^e Order, concerning their keepeing their cattell wthin the neck, extends to their swine; it was declared that they are not tyed to fence in their swine, yet they are not to turn them forth, but if they goe themselves, they are offenders in y^e woods no more than other mens swine are: /

It is agreed that till further order onely one squadron are to bringe armes to the meeting in their due course, as it hath bine formerly: /

[139] AT A COURT HELD AT NEWHAVEN, DECEMBR 6TH, 1653

Humphrey Spinage, Sen^r, was complained of, not onely for neglecting but vtterly refusing to watch one night. He was asked the reason: he objected his age, and that he is but a

sojourner, and his illnes when he had watched formerly. He was told he might hire, and what he saith is no more then what many other men may say; and therefore the Court cannot pass it by, but orders that he pay for his neglect fīue shillings: /

The case in hand last Court concerning John Chidsy and sundrie others aboute sleeping in their watch, was now called vpon, and Serjant Jeffery being present testified that himselfe and M^r Yale came to the watch, found Thomas Tuttill, the sentinell, asleepe, went into the watchhouse and found John Chidsy, y^e master, asleepe, and the other men present, viz^d Sam. Hodgkins, Joseph Benham, and Thomas Trobridg. Vpon examination none of them could cleere themselues: wherevpon the Court ordered that John Chidsy, the master, paye fīue shillings; Thom. Tuttill, the sentinel, two shillings six pence; & Sam. Hodgkins, Jos. Benham, and Thomas Trobridg, twelue pence a peece: /

The case in hand y^e last Court concerning John Winstons watch, complained of by Sam. Hodgkins, was now called vpon and witnesses examined, but no prooffe could be produced to cleare y^e charge, but one y^e contrary; for John Benham and Sam. Farnes witnessed to cleere the master, and for Hen. Bristow, y^e master conceived he might & did giue him leave to sleepe: so that nothing was done in y^e case: /

Rogger Allen, being master of the watch, was complained of that in the spring last when there was an alarum made by a gunn shott of in the night, neere Sam. Hodgkins house, and answered by Jeremiah Osborne that walked the rounds and after by crying arme, arme, and he was told by the sentinel that a gunn was shott of, nay when the men that walked came to the watchhouse, told y^m what was done, yet then he doth not raise the Towne, but sends to M^r Goodyeare to know what he should doe, whereby the Towne in the meane time might haue bine surprised. The Court hauing heard the case, and vnderstanding that some other of the watch were in fault, and some other of them might giue some light in y^e case, reserved it till next Court and ordered that the whole watch be warned to attend: /

An action entered last Court by M^r Robins of Wethersfeild against Thom. Blachly concerning a bull was now called vpon. Goodman Rose of Brandford appeared and desired further time, for they had sent to Wethersfeild for testimony, but it was not yet come: he was told further time might be giuen, but if y^e

next Court he cleere it not, the case will goe against them, and the plantff will require damage, but the Court cannot deny it:/

Benja Ward of Boston plt } John Benham, atturny for Benja.
 against y^e estate of Dan. How } Ward, declared for a debt of ,

and to proue it p^rsented a bill from Daniel How, attested by M^r Hibbins and Capt. Gookine, magistrats in y^e Massachusetts Jurisdiction, also a letter from [140] Capt. How, dated at road Island, wherein he desires his brother Jeremiah How and M^r Hudson to paye the money out of that w^{ch} he hath in M^r Atwaters hand, and if there be not so much in his hand, then to make it vp: but vpon sight of M^r Atwaters booke, there appeares due to Daniel How but betwixt six & seven pound, fve pounds of w^{ch} is attached by the said John Benham for Benja. Ward, and M^r Atwater promised to paye; and whereas Jn^o Benham had an attachm^t for foure pound more in M^r Atwaters hand, w^{ch} was served by the marshall, M^r Atwater pleads that he had an order for M^r Goody^e to make staye of it in his owne hand before y^e last attachment, though it was not served by the marshall but kept by himselfe, to make vse of as he should see cause: wherefore that part was respited till next Court: /

Nicholas Augar passeth ouer to Thomas Wheeler, Senio^r, his home lott lying betwixt Christopher Todd and the m^arkit place, and all the land and accommodations, w^{ch} doth or may belonge therevnto, being the whole w^{ch} was given him by the Towne out of a lott formerly called an Elders lott;* but he is not to dispose of it wthout y^e Townes consent: /

AT A COURT HELD AT NEWHAVEN THE 3D OF JANUARY, 1653

Thomas Buckingham of Millford passeth ouer to William Davis 5 ac^rs ½ of land, lying in M^r Goodyeaes quarter, almost ouer against Richard Beech his house, bounded wth the land of M^{rs} Gregson on y^e west, William Davis on y^e east, Richard Miles on y^e south, and on the north wth the high way: /

Nathaniel Merriman passeth ouer to Francis Browne his house and home lott on the banke side, betwixt the lott that was Jonathan Marsh his & that w^{ch} was Hen. Peckes, and all his land

* On the southeast corner of Church and Elm streets; the public green was also known as the market place.

w^{ch} belonged to him on the east side against dragon poynt, w^{ch} he supposeth is nine ac^s.

Robert Basset passeth ouer to M^r Joshua Atwater the house & home lott w^{ch} was his fathers and by his father giuen him, wth all the appurtenances to it belonging.

Thomas Welch of Milford passeth ouer to Jeremiah Whitnel his home lott and all his land that is on this side the West river, and all his meddow.

Thomas Buckingham of Millford passeth ouer to Jeremiah Whitnel his house and home lott.

John Benham hauing had an attachment for some money w^{ch} were in his owne hand and his sonn Johns, w^{ch} they owed to Geo. Bankes, as app^red by two bills giuen by them to Geo. Bankes, he pleaded in Court that it were the estate of Capt. How and that he attached it for Goodman Ward of Boston, but he could not proue that it was Capt. Howes estate; but the bills being produced it appeared that they were made ouer to M^r Hudson for M^r Oliuer of Boston, so that the cause fell for want of prooffe: /

And for what is in M^r Atwaters hand of Capt. Howes estate, ouer & aboue y^e fue pounds condemned the last Court, is to be paide to John Benham for Benja. Ward of Boston: /

A case depending betwixt M^r Robins of Wethersfeild and some of Brandford concerning a bull, was called vpon and Goodman Rose of Brandford produced sundrie testimonies to prove that the bull was hired of M^r Robins by them, w^{ch} testimonies are as followeth:

John Edwards, aged aboute sixty yeares, saith he went wth Goodman Rose to M^r Robins to hire his bull, and he was loath to let him, but would haue [141] them buy a steere for him of John Roote: wherèvpon they went to Jn^o Roote, but could not agree; and then they came againe to M^r Robins, and he let them y^e bull for twenty shillings, and they should summer him a steere into the bargaine.

Taken vpon oath before M^r Wells, the 17th of Decem., 1653

Phillip Goff, aged aboute 28 yeares, saith that he heard M^r Robins say that hee let his bull to Goodman Rose, of Totoket: he heard him also speake something of a steere, but whether he were to haue one of the said Rose for y^e bull, or whether he were to

summer one for him, he remembreth not; he heard not any price mentioned for the hire of the bull, and further saith not.

Taken vpon oath the 17th Decembr, 1653, before Tho. Wells.

John Russell, aboute the age of 21 yeares, saith he heard M^r Robins say he let a bull to Goodman Rose, of Totoket, but because the bull was carelesly lost, he would make the said Goodman Rose pay for him, & further saith not.

Taken vpon oath the 17th of Decembr, 1653, before Tho. Wells.

William Boarman saith that M^r Robins hired him & William Barnes to driue his cattell from Guilford to Wethersfeild; they asked him what cattell they should driue; hee said that they should leaue the bull, for that hee did intend to hire him to Totoket.

Taken vpon oath the 5th of Decem., 1653, before Jasper Crane.

M^r Linge, atturny for M^r Robins, pleaded that Goodman Edwards, who is one of y^m that giues testimony, is a party; but could not proue it. Then he pleaded, if they did hire the bull, why did they leaue a steere w^{ch} they should haue fetched away wth him and summered for M^r Robins: Goodman Rose replied that they could not bring the steere, but what his summering was worth, if it be required, they must paye. The Court told M^r Linge that it doth cleerly appeare by these testimonies that M^r Robins did lett the bull to them of Totoket. Then M^r Linge pleaded that the bull was lost carelesly, and therefore they should make satisfaction for him: but this part he was not fitted at present to cleere by prooffe, as hereafter he may: therefore it was reserved till another time: /

M^r Allerton hath laide an attachment vpon 12^l in y^e hands of Will^m Gibbins, w^{ch} he saith is M^r Malbons estate. M^r Allerton was required to proue y^t it is M^r Malbons estate: he said William Gibbins told him it was 12^l that he owed M^r Malbon. M^r Linge, on y^e behalfe of M^r Hutchinson of Boston, pleaded that it is M^r Hutchinsons estate, and that M^r Hutchinson writt to him to demande it of William Gibbins for the passage of his wife and daughter from England, and that Will^m Gibbins promised to paye it him for M^r Hutchinson. To cleere this, William Gibbins was sent for, but could not be found: wherefore nothing was further done in it at this time: /

M^r Linge, on the behalfe of M^r Malbon, entered an action against M^r Atwater for 03^l: 16^s: 04^d, w^{ch} he had in wine of M^r Malbon, deliuered to him by Phillip Leeke, M^r Malbons agent: M^r Atwater said he received it not, but so much he had notice they had for the shipp Fellowship, and he alowed it to M^r Malbon in that account. To giue light in the case, Phillip Leeke was called, who said that the most light he can giue is by a note of account of wine deliuered, that he gaue to M^r Malbon and he accepted it: w^{ch} being showed to the Court, it appeared y^t vpon the shipp Fellowships account so much wine was deliuered. Whereupon the Court told M^r Ling that this makes cleerly against M^r Malbon: and he being not fitted to make further prooffe, the Court could proceede no further at this time: /

The buisnes in hand the last Court aboute y^e Alarum was called vpon, and Rogger Allen and y^e rest of his watch (all but Hen. Boutle) being [142] present were examined. What was charged last Court was acknowledged, and much more was not said to lay any of the other watch men vnder guilt. The Court tooke it into consideration, and would declare their minds the next Court: /

Thomas Meekes and Samuell Marsh entered an action against Thom. Kimberly and some others, because their hoggs gott in at their fence and did hurt in Christopher Todds corne, but after much debate spent aboute it, Thomas Meekes and Sam. Marsh, in regard their hoggs had a benifitt by the corne, promised to paye Christopher Todd ten shillings apeece, wth w^{ch} Christ. Todd was satisfied, and the charge of the action the Court remitted: /

The Court being informed by a letter from Southhold that Lancelot Baker hauing lately had a tryall in that Court, wherein he was cast and was to paye coss of suit and damage, but refused, whervpon execution was sent forth and served and then the said Baker came to the Court, but in a rude and contemptuouse manner, saying, what is yo^r will wth me, am I yo^r hackny, I can haue neither law nor justice, or words to the same purpose. Lanc. Baker at first denyed the charge and stood vpon his justification, though he did confess he might say he could haue neither law nor justice, and he said it from Leiuennant Budd, that was one of the Court, for he asked him in M^r Higginsons and Leiut Seelyes presence if he had had justice in y^e case; Leiutent Budd answered no, he thought he had neither law nor justice; to whom

Baker replied, then you are a fitt man to be a judg. Leiuten^t Seely said that Leiut^{ent} Budd did say to that purpose and Baker so replied. But for his other cariag Baker would not yeild himselfe in fault; wherefore the Court gaue it ouer for that night (perceiving him in a distemper) and warned him to attend the Court the next morning; w^{ch} accordingly hee did, and then did freely acknowledg he was heartly sorye that he had charged the Court as he had, though it was occasioned by Leiutent Budds words, and for the other words he remembers them not, but doth beleeeve that he might in his passion speake so, and is sorry for it: w^{ch} acknowledgment the Court accepted, and dismissed him: /

Lancelot Baker passeth ouer vnto Edward Preston his house and home lot, lying betwixt the house of widdow Pecke and that w^{ch} William Pecke lately liued in, and fiue & twenty ac^s of land, bee it more or less, lying on the west side in y^e second deuission: /

The land of M^{ris} Wilkes, w^{ch} was formerly sould to Phillip Leeke by M^r Robert Newman (whom M^{ris} Wilkes intrusted to dispose of her estate), is now passed ouer and confirmed to the said Phillip Leeke, w^{ch} is as followeth (as Phillip Leeke by a note certifyeth); 12 ac^s & a halfe of vpland in y^e first deuission, lying at the Oysterpointe, betwixt the land of Nicolas Elsy and M^r Hiccockes, and 3 ac^s and a halfe of meddow at the end of that vpland, and 5 ac^s of meddow at the Black rock, Richard Hull on the north side and y^e Blacke rocke on y^e other side, one peece of land of aboute one ac^r in oystershell feild, the high way on y^e east & y^e quarter fenc on y^e north, and 2 ac^s & halfe in y^e necke at the next poynt below the Island.

[143] AT A COURT HELD AT NEW HAVEN, FEBRUARY 7TH, 1653.

Execution was granted to Joseph Alsop, on y^e behalfe of M^{ris} Evance, for fiue pound to be seized of the estate of Henry Bishop, w^{ch} was by sentence of this Court in March last granted; likewise for forty shillings for a fine to the Towne, then laid also: /

The buisnes in hand last Court aboute Rogger Allen is now Ordered, that for his great negligence in y^e watch when the

Alaram was, he paye twenty shillings fine w^{ch} the Court giues to y^e millitary company to buy po^r to improve themselues in shooting at a marke: /

M^r Atwater was complained of for tradeing wth the Duch Jurisdiction. It was said others traded as well as he, as Leiutenant Seely and Serjant Jeffery: M^r Goodyeare said he would inquire after it. M^r Atwater confest he traded wth one of Hempsted for one hundred pound of suger, one anchor* of liquours & 12^l of candells: /

AT A GENERALL COURT FOR NEW HAVEN, FEBRUARY 27TH, 1653

The Gouverno^r informed that one cause of this meeting is aboute Goodwife Bunill who is sicke, vpon whom the Towne hath bine at some charge, but whether as much be done as her case requireth is a question; and is by some reported they are neglected; others say they are at two much charge wth them. The Towne was desired now to speake their minds, and not privately in a complaining way. Also, there is two chilldren to be put out, both for the good of the chilldren (who are not educated as they should) & for the easing y^e Towne of charge. Concerning what hath bine done for Goodwife Bunill, none spake against it; but for y^e chilldren, y^e Towne desired they might be put out, and refferred it to y^e Townesmen to doe it speedily: /

It is Ordered that those that cut wood in y^e neck shall cut all downe where they doe cut, both great and small, that it may be cleered fitt for pasture; yet they may leaue here and there a great tree, for shade for the cattell: /

The Marshall was advised to see that the Orders aboute ladders be attended: /

The Townsmen were desired & appointed to speake wth y^e Scotchman w^{ch} liues at M^r Allertons and see if they can agree wth him to sweepe the chimnies in y^e Towne, according to y^e Order, made 13th of Nouember, 1643: /

It was propounded concerning M^{ris} Gregsons land at Solatary Cove that the bounds of it might be knowne, for in the record of

* Anker, a Dutch measure of liquids, of about ten gallons.

y^e grant no bounds are mentioned nor can M^{ris} Gregson prove it hath euer bine laid out: wherefore it is Ordered that the Townsmen shall goe and set out y^e bounds of it, wth due respect to M^{ris} Gregsons conveniency and also the Townes, both in refferenc to high wayes and any other consideration: /

The millitary officers were desired to consider of some fitt men to take charge of y^e great gunns and mannage them for service if there be occasion, and to acquainte y^e Magistrats wth it, that some may be settled in y^e trust: /

It was propounded that there is some difference and appeares some difficulty in makeing vp the heards in the Towne this yeare, w^{ch} is refferred to the Townsmen to issue, as a worke proper to them: /

[144] AT A COURT HELD AT NEWHAVEN, MARCH 7TH, 1653.

Thomas Welch, of Millford, passeth ouer (as Jn^o Nash testifiyeth) to Rich. Miles 3 ac^s of land in y^e neck, butting on y^e East River eastward, betwixt the land of Richard Miles on y^e north and Thom. Buckingham on y^e south; also 8 ac^s and a halfe on y^e west side in y^e first devission, butting on M^r Gregsons quarter on y^e east, the highway goeing to Millford being on the southwest, and 55 ac^{rs} in y^e second devission where it falls: /

A case formerly in question betwixt M^r Robins of Wethersfeild and the Towne of Brandford concerning a bull, w^{ch} was in part ended at the Court in January last, onely M^r Ling, atturny for M^r Robins, pleaded y^t the bull was lost through their negligence, but was not then fitted to prove, therefore it was respited till another Court: and now M^r Ling indeavoured to cleare it, and produced the testimony of Jn^o Norton & of Thomas Blatchly, taken vpon oath before Francis Newman:

John Norton testifyeth that he saw the bull stick fast in a litle salt pond, wherein his legs were fast but the place so small as his body could not goe in, but he conceives he might lye severall dayes before he dyed, and he apprehends it was negligence in the Towne the bull was not looked after, and y^t might be y^e cause of his being lost: /

Thomas Blatchly said that if they had apprehended the bull had bine swamped, they might haue looked after him and possibly

they might haue found him alive; and he apprehends that the Townes intent in hiring y^e bull, was to goe wth their coves:/

Robert Abbott, on y^e behalfe of y^e Towne, said it was not a time of swamping, and they heard y^e bull was well wth the dry cattell. M^r Ling replied why did not the Towne fetch him thence, for he was hired for y^e Coves. Robert Abbott denyed that and said they were not lyMITTED to any place or heard, but he was hired for y^e Townes vse; beside, the two testimonies doe but speake their apprehensions and sweare nothing possitively:/

The Court declared their minds that they see not such neglect in y^e Towne of Brandford as to cast the loss of y^e bull vpon them: and for y^e hire of the bull and the allowance for summering a steere, w^{ch} was the action entered, it was issued before, but now the Court did advise Brandford men to paye M^r Ling for M^r Robins twenty shillings for the hire of the bull and ten shillings for their not summering of y^e steere (for so much it is said M^r Robins saith it stood him in) and 3^s 4^d for y^e Court charges, and so make an end of it: to w^{ch} at first they were loath to yeild, yet afterward they said, to avoyde further trouble, they would doe it, where wth M^r Linge were satisfyed:/

Thomas Hogg declared that he bought a boare of Richard Sperry, w^{ch} as Richard Sperry said was here at the Towne, and Thom. Hogg thought he knew y^e boare & found him at Goodman Whitheads: After, he sould him to William Basset for twenty three shillings, and y^e said William had him and thought it was y^e right boare w^{ch} he saw at Goodm. Whitheads: therefore desires that William Basset may paye him for the boare.

William Basset said he bought a boare of Thom. Hogg and thought it was Thomas Hoggs boare: he kept him aboute a fortnight wth pease, but one night (while Thomas Hogg liued wth him) as they were sitting by y^e fire, Thom. Hogg said that Richard Sperry scruples whether this [145] be the right boare or no: w^{ch} made him so question the thing as he durst not eare marke him: so the boare broke out and went vp & downe y^e Towne againe, and he let him alone, thinking if it were not the right he might be owned, and the boare laye aboute Jeremiah Howes, and when he was to goe to the farme he sent Thomas Hogg to looke after him, and Jer. How said that David Atwater had owned him and had him away: then he said he would haue no more to doe wth him. And Jn^o Cooper now saith

that the boare that David Atwater fetched from Jeremiah Howes he got him to looke on him and was marked wth David Atwaters eare marke: and Richard Sperry said that his boare had no eare marke at all: yet William Bassett said that Edmund Tooly will testify y^t the boare w^{ch} David Atwater fetched from his master Howes, Richard Sperry had formerly owned and led him away for his boare.

This case for p^rsent issued thus, that seeing Jeremiah How, Edmund Tooly, and also James Clarke is spoken of, it is refferred till y^e next Court, when they may be here, vnless all parties issue in y^e meane time: /

Robert Beacham of Norwalk, plt. } Robert Beacham* declareth for
Rich. Lettin of Fairefeild defend^t. } a debt of fifteene pound w^{ch}
Richard Lettin† owes him, as appeares by bill w^{ch} Richard Lettin owned, but said that he had not his bargaine w^{ch} he bought of Robert Beacham, but is now (being taken vna-wares) vnable to prove it, by reason his wrightings w^{ch} would cleere it are not here: he was told if he can giue Robert Beacham securitie to his satisfaction to answer the action at the Court this day moneth, he may haue libbertie then to bring in what evidence he can: he said at Millford he could giue such securitie, wherefore it was refferred to y^e Marshall and Robert Beacham to take such securitie as should satisfy them in y^e case: /

Jeremiah Whitnell passeth ouer to Thomas Mitchell the house & home lott w^{ch} he bought of Thomas Buckingham, and 7 ac^{rs} & a halfe of land lying in M^r Goodyeares quarter, betwixt the land of Jeremiah Whitnell & William Davis, Jn^o Nash lying on the southeast and y^e high way on y^e north: /

James Bishopp passeth ouer to John Coop^r his house and home lott w^{ch} hee bought of Thomas Meekes, w^{ch} was Capt. Turners; Jn^o Coop^r promising that if any whom y^e Towne desires to receive would buy, he shall be willing to part wth halfe y^e lott againe vpon a just allowance: /

M^r Augar, on y^e behalfe of M^r Hickcock (as appeared by a letter from M^r Hickcocke showed to y^e Court), passeth ouer to M^r Goodyeare the whole accommodations of M^r Hickcocke: /

* Properly Beauchamp.

† Or Latting.

AT A GENERALL COURT FOR NEWHAVEN, MARCH 29TH, 1654.

Severall Orders made by the Jurisdiction Generall Court were read: viz^t, an Order for taking the oath of fidelitie, an Order for prohibiting Indians to drive away cattell, and an Order that euery Towne provide for their owne magistrats and deputies at the times of their meeting vpon y^e publike occasions of y^e Jurisdiction, except vpon y^e Election day, a dinner to be provided at the common charge.

It was propounded how this Towne will provide for theirs, but sundrie objections were made against it, and so nothing at present was done therein: /

It is Ordered that the Mill River, w^{ch} lyes against the new feild lately fenced in on the south side of y^e mill way, shall be counted as a fence, provided that in y^e shallowest place it be so deepe as a swine must swim in to goe ouer, and that all the other fences aboute it be vnder view as oth^r fences are: /

[146] It was propounded that some course might be taken to cleere y^e Neck and sow it wth English hey seed for y^e benifitt of keepinge sheepe. It was refferred to the Townsmen to consider how it may be most equally done, and then to propound it to the Towne for confirmation or alteration: /

All men were desired to take notice that if any cut vp any English grass w^{ch} growes aboute y^e markit place, y^e streets, or other commons, to plant in their owne ground, they must expect to receive due punishm^t for y^e same:

It is Ordered, that all the farmers aboute y^e Towne are to bring in their bills of their Estates for making vp the rates, according to order, before may day to y^e Treasurer, vnder the penaltie w^{ch} y^e law in y^e case imposeth: /

AT A COURT HELD AT NEWHAVEN, APRILL 4TH, 1654.

Severall persons tooke y^e oath of fidelitie, as appeares in great booke, fo: 89, and M^r Samuell Eaton* had y^e Freemans charge giuen him and was admitted a Freeman as others are:

* Son of Governor Eaton, and a graduate of Harvard in 1649.

Vpon the testimony of John Chapman vnder his hand, that he sould to Robert Pigg nine ac^rs of land at the plaines, w^{ch} he formerly bought of John Tompson, w^{ch} land should haue bine entered to Robert Pigg, and they saye was paid for in M^r Fugals time but omitted, is now Ordered to be entred, and this Allination from Jn^o Chapman to Robert Pigg is to stand good: /

A case depending since last Court betwixt Robert Beacham and Richard Lettin was called vpon; both parties appeared, and Rich. Lettin entred an action against Robert Beacham for not performing his bargaine, but in the issue they both before the Court refferred it to arbytration of two or foure men chosen betwixt them, and that they shall haue power to chuse an vmpier, in case they cannot agree, to issue all matters of differrenc betwixt them in one kinde or another, and that they will binde themselues in a certaine somme, as they shall both agree, to stand to the award of such arbitrato^rs; and what Lettin p^d for his action y^e Court returned: /

Henry Boutle being by warrant warned to attend this Court to answer Richard Beckly, appeared not, w^{ch} the Court looked vpon as contempt in him till he can cleere himselfe, for w^{ch} cause he is to be warned to y^e next Court: /

A bill of fve pound due from Nath. Whitfeild to Capt. How for Sam. Andrewes passage to England, being attached by M^r Hudson for M^r Oliver of Boston, was condemned, and the said 5^l to be payde to M^r Hudson for M^r Oliuer, vnless Nathaniel Whitfeild can show any just reason to y^e contrary: /

AT A GENERALL COURT FOR NEWHAVEN 28TH APRILL, 1654

The Court was informed that according to a Generall Courts Order a note was sent from Millford, wherewth this Court are to be Acquainted, in w^{ch} the Free-men there propound, that M^r Benjamin Fenn may be chosen Magistrate for Millford at y^e next Election: /

The Court was also moved to consider their owne case in this particular & hearing that M^r Samuuell Eaton (sonn to our Gouvernor) is now sent for into the bay, w^{ch} if attended too they feare they may be deprived, not onely for the present, but for

y^e future, of y^t helpfullnes w^{ch} they have hoped for from him, and considering y^e small number of such able helpees here for y^e worke of Magistracy, for y^e present, who also by age are wearing away, and may not be expected long to be [147] Injoyed thought it their duty to propound this Case both to him and to y^e whole Jurisdiction, and by vote declared that they desire the Free-men in y^e Jurisdictⁿ would call to, and M^r Samuell Eaton would accept of y^e place of a Magistrate in this Jurisdiction, for this Towne, at the next Election, whereof notice was to be speedily sent to y^e severall plantations, according to a law in y^e Jurisdiction in that Case: /

AT A GENERALL COURT FOR NEWHAVEN, MAY YE FIRST, 1654.

The Townsmen Acquainted y^e Towne, that considering the great damage comes to y^e Towne for want of a convenient place for an ox-pasture, they have some of them viewed that parte of the ox-pasture w^{ch} is vnimproved, and the plaine by the pine rocke, w^{ch} they conceiue may be suitable for that vse, which will be fenced wth aboute 400 rod of fencing, whereof old Goodman Willmott offers to doe sixty, vpon condition that he may haue Libbertie to put in at most foure cowes and two oxen; w^{ch} Libbertie, wth refference to his condition, was granted. After much debate spent aboute this matter, it was in y^e Issue concluded, that they w^{ch} are willing to put oxen in there should give in their names & number of oxen: according to w^{ch} number the fence should be carried on, and they should haue it for three yeeres for that vse; and at three yeares end, consideration shall be had of the charge laid out, that so right may be done, both to the Towne and likewise to those w^{ch} haue fenced: And for the time of fenceing, it is agreed it shall be vp & finished by the last of this moneth: what other circumstantiall considerations are necessary, it is lefte to the Townsmen to determine; after w^{ch} many of y^e Towne gaue in their names and number of oxen they would fence for, and others had libertie till wedensday next to giue in also, or any of these to wthdraw if they see cause: /

A complainte was made that the scoolemaster is so imployed in teaching children sent to him to Learne their Letters and to

spell (w^{ch} is contrary to order) that others for whom the scoole was cheifely intended (as Lattin scoollers) are neglected; wherefore two of the Townsmen were now sent to send all such children home, and Advised the scoolemaster not to receive any more such: /

M^r Tuttill informed that some hey seed might be procured at Connecticote, 100 bushells if the towne please to haue it of Goodman Stibbins, at 2^s per bushell; w^{ch} was not fully issued, but M^r Atwater said he would vndertake for y^e paye: /

Vpon Information that sundrie Indians haue of late bine seene drunke, the Court inquired of M^r Goodanhouse, Jeremiah How, John Harriman & John Hodshon, who all denyed that they had sould them any thing to make them so; onely M^r Goodanhouse acknowledged he had sould them vinegere, w^{ch} was conceived to be sacke growne sower, and might by them be sweetned wth suger, or as it is might by them be drunke to excess & distemper. But the Court being informed that some Indians haue bine Earnest wth some English to fetch Liquors or strong beare for them, and haue prevayled wth one (namely, William Trobridg) he is to be called to answer it. And it is now Ordered that if any English shall be imployed by any Indian to fetch for them any wine, strong beare or Liquors Ec under what name or notion so euer, hee or they shall be under the same penalty as those that sell to Indians w^{thout} Lycense: /

John Thomas, Thomas Lamson, John Wakefeild, and Peter Mallary propounded that they might haue aboute 12 ac^s of land granted them to plant Tobacco on, at the Sheppards pen, on y^e west side; w^{ch} the Towne, considering the benifit Tobacco might be for trade if it [148] could be attayned here, inclined to grant it, so long as they so imployed it, and to no other vse w^{thout} the Courts Consent; but some objecting against it, and they being not ready to fall vpon a present improvem^t of it this yeare, it was left to be further considered: /

Old Goodman Willmot desired the Court that his sonne may be freed from Trayning, w^{ch} was considered, and wth refferrenc to his owne age,* his wiues weaknes, and their Liuing at a Farme, his sonne was freed, onely is to attend as other farmers doe: /

* Benjamin Wilmot was probably at this date about 65 years old.

The Towne was informed that old Bunill (whose wife and child is dead) is desirous to goe to old England, w^{ch} if it could be attayned might free the Towne from some charge, though they made some p^rsent disburssm^t for his passage and other necessities for him, and vnderstanding a vessell at Milford is bound for Newfoundland, it was Ordered that the Townsmen and Treasurer should treat^e wth them for his passage theither, and Agree of some course how he may be sent from thence to old England, where he saith he hath some frends to take care of him: /

AT A COURT HELD AT NEWHAVEN, MAY 2D, 1654.

M^r Mathew Gilbert passeth ouer to Richard Mansfeild one small peece of Land, conteyning aboute one ac^r & a halfe, be it more or less, w^{ch} lyes neere the farme of y^e said Richard Mansfeild, and is part of a Lott w^{ch} M^r Gilbert bought of Richard Perey, and lyes the breadth of that Lott, betwixt the cart path to y^e farmes and y^e meddow of Richard Mansfeild.

Divers persons tooke the oath of fidellitie, whose names are entered in y^e great booke of y^e Towne records fo: 89: ec: /

The last will and testam^t of Edward Wigglesworth, late of New haven, deceased, was presented to the Court: made the 12th of 5th moneth, 1653, confirmed by his owne hand and seale, witnessed by M^r John Dauenport, M^r William Hooke, and Mathew Gilbert: and M^r Gilbert now tooke oath that the wrighting now presented was in his hearing, by Edward Wigglesworth, declared to be his last will and Testam^t, the said Edward being of sound vnderstanding and memory fitt for such a worke, so farr as he could judg: /

Also an Inuentory of the Estate of y^e said Edward Wigglesworth was p^rsent^d, taken y^e first day of y^e first moneth, 1654, by Mathew Gilbert and Richard Miles, amount^s to 401^l: 14^s: 02^d: and Hester Wigglesworth, the widdow of the deceased, vpon oath affirmed this is a full Inventory of y^e estate left by her husband, according to her best light & knowledg, unless her sonn in y^e bay* haue spent any of that hundered pound owing there: and

* Rev. Michael Wigglesworth, Harvard Coll. 1651.

Mathew Gilbert and Richard Miles, the two apprisers, tooke oath that the Apprizem^t is just, according to their best light: /

A wrighting was presented to y^e Court as y^e last will & Testam^t of Henry Pecke, late of Newhaven deceased, made the 30th of y^e 8th moneth, 1651, wherevnto is neither his hand nor seale, yet is witnessed by William Pecke, John Moss, and Sam: Whithead; and William Pecke & Samuell Whithead now affirmed vpon oath, that Hen: Pecke, being of competent vnderstanding & memory, in their hearing, declared this wrighting to be his last will & Testam^t: /

[149] An Inventory of the estate of y^e said Henry Pecke was presented, made the 30th of the 9th moneth, 1651, by Sam: Whithead and Rogger Allen, amount^s to 56^l 2^s 8^d, and Peck, the widdow of y^e deceased* testified vpon oath that this is a full Inuentory of her husbands estate, according to her best light; and Rogger Allen and Sam: Whithead, the two prizers, tooke oath that the Apprism^t is just, according to their best light: /

Henry Boutle was questioned for his none appeareance last Court; he said the reason was, because the winde was high, and y^e ferry man not there, w^{ch} excuse wth some other considerations caused the Court to pass it wthout fine:

Richard Beckly entred an action of Slander against Henry Boutle & declareth that the said Henry hath reported that hee is vnkinde to his wife; that he saw her sitt two howers at y^e ferry crying, because she could not get him from y^e Ordinary; that he showed diuers persons a tricke at the Ordinary, inviteing them to stay and promising to paye for their suppers, and then in the morning goes away and leaues euery man to paye for himselfe; and when he had inquired of his wife whether she so satt crying &c, and findeing no truth in it, he spake to Henry Boutle, wondering that he should report such false things of him, y^e said Henry, in stead of giueing him satisfaction, laid further charges of a high nature vpon him, before Ralph Loines, viz.: that he the said Richard Beckly was a lyar and a slanderer. Henry Boutle being wished to speake confessed he did to one person report something concerning his wives crying, w^{ch} he heard from Goodwife Jones, whose husband being present said

*Joan Peck; she next married Andrew Low.

his wife had not nor could testifye y^t Goodwife Beckly so satt crying. Also Henry Boutle said he mentioned nothing of his vnkindness to his wife, or that he saw her so cry. Richard Beckly said he had reported as of his owne knowledg, and that he was grieved at heart to see her sitt weeping. For the second part of y^e charge, Henry Boutle answered that he did heare from Sam: Rose that Richard Beckly had showed severall persons such a trick at y^e ordinary, and said that Edwa: Hitchcocke and John Jones who were there at that time could say something to cleere it: being both called they confessed they were there, but cannot say that Richard Beckly did at all promise to pay for their suppers; and Samuell Rose vpon oath vtterly denies that euer he told Henry Boutle any such thing. For the third part of the charge, in saying he was a lyar & a slanderer, Henry Boutle said he remembers it not, but if proved he must fall vnder it. But more fully to cleere y^e case in y^e severall parts of it, the Following Testimonies were presented and read:

Widdow Ward of Brandford doth Testifye that Henry Boutle told her that Serj^t Becklys wife satt he thought two houres at the waterside crying, and the reason was because her husband would not come from the Ordinary, and he was grieved for her to see her weepe: /

Secondly, she affirmes that the said Henry asked her if she neuer heard of the trick that Serjant Beckly served a company at the Ordinary, hee promised them to paye for ther suppers, and he rose early in y^e morning and desired Goodman Harriman to see that euery man should paye for himselfe: Testified vpon oath before Lawranc Ward.

Rogger Betts doth testifye vpon oath that he heard Henry Boutle affirme that Serjant Beckly left his wife at y^e waterside, and would not goe home wth her, and ther she was crying: / Before Lawranc Ward.

Samuell Rose doth Testifye vpon oath that Henry Boutle brought him in for a witnes, that he told him that Serjant Beckly promised to paye for there supper at the Ordinary, w^{ch} thing he doth vtterly denye, that ever hee tould him any such thing, or that euer Serjant Beckly promised to pay for there supper. Before Lawrance Ward.

Amos Sheffeild doth Testifye vpon oath that Henry Boutle said that Serjant Beckly invited a company to supper at the

Ordinary & promised them to pay for them, and in y^e morning he rose early and spake to Goodman Harriman to see to take paye of euery man for what they had, and hee went his way:/ Per Lawrance Ward

[150] Ralph Loines testifyeth that in some discourse betwixt Henry Boutle and Serjant Beckly, he heard Henry Boutle say that Serjant Beckly was a Lyar and a Slanderer:

Vpon Oath, 3^d April, 1654, before Francis Newman

And Hen: Boutle now in Court further charged Serjant Beckly that he had so traded wth his witnesses that he could get none to witness for him; and being questioned for it, he could not cleere it: and Serjant beckly desired it might be considered of as another charge.

After w^{ch} both parties were wished to speake, if they had either of them further to say: but nothing of weight being spoken further to cleere y^e case, y^e Court proceeded to sentence, and considering the case as it stands upon three heads, wth the proofes of them severally, and what is now in Court charged, doe finde that Henry Boutle hath much wronged Richard Beckly in his name, and hath put him vpon some charge in vseing meanes to cleere himselfe, and therefore doe Order that Henry Boutle pay to Richard Beckly by way of reparation for this wrong five pound, and that he also paye vnto him for charges expended aboute this buisnes twenty shillings:/

Henry Boutle entered an Action of slander against John Hall, who he saith hath spoken of him as if hee were a theefe, saying he could make three axes or hatchets at a heat; w^{ch} report hath bine raised vpon this occasion, being at plow on day vpon his farme, where the Indians had planted, he found three old Indian hatchets, w^{ch} he caried to Serjant Andrewes house, and are yet at William Pecks to be seene; he was told he should have caried them to y^e Cryer according to Order:

John Hall confest he had at John Jones his house spake such words: which he said he heard from Jn^o Tompson in Mathew Rowes house, before William Fowler and William Holt.

John Tompson denied that he said so, but owned that he had heard Henry Boutle had found three hatchets, or axes, and he questioned the truth of it, because he thinkes the Indians haue not such plenty as to hide three at a time:/

Some question there was also aboute a steere of John Wakefeilds, w^{ch} Henry Boutle brought out of the woods, and would haue sould to Rogger Allen, but John Tompson (beyond y^e Creeke) being there said it was John Wakefeilds steere; w^{ch} the Court is not satisfyed in, though it be said that he had the steere of John Wakefeild, and he was of the same marke, yet it is also said he was of another cullour; and William Pecke, being wth him when he tooke vp the steere in y^e woods, said that he questioned whether it was his or no, for his was blacker, but said it was his or Jn^o Wakefeilds, yet offered him to sale w^{thout} acquainting John Wakefeild wth it: And the Court vnderstanding that John Wakefeild is not satisfyed, and William Fowler & William Holt not being here, this whole buisnes was respited till next Court, vnless Jn^o Hall and Hen: Boutle end the difference betwixt them in y^e meane time: /

[151] AT A GENERALL COURT HELD FOR NEWHAVEN, MAY 22TH,
1654.

Divers persons tooke the oath of fidellitie, whose names are entred in the great booke, fo: 89:

M^r William Gibbard and Henry Lindon were chosen deputies for this Towne for the Gen: Courts for the Jurisdiction, for y^e yeare ensuing, and were invested wth full power to act in all things, according to the nature of that Trust:

M^r Gibbard, M^r Atwater, Liuetennant Nash and Ensigne Lindon were chosen deputies for the particular Court of Newhauen, for the yeare ensuing, and tooke the oath w^{ch} the Gen: Court hath appointed to be administred in that case:

Leiuennant Nash was chosen Treasurer for Newhauen for y^e yeare ensuing:

Francis Newman was chosen Secretary for Newhauen for y^e yeare ensuing, but before choise he acquainted the Towne that by reason of much wrighting w^{ch} he hath had in y^e place, for allmost seuen yeares past, he finds his eyesight much decayed, and therefore desired some other may be chosen: w^{ch} they were not willing to doe, but desired him to make tryall for this yeare also, and if he found that weakness to continew, so as he could not comfortably

proceed in the worke, he should haue libertie to lay it downe at any time before y^e yeare be out, vpon w^{ch} condition he accepted it: /

Thomas Kimberly was chosen Marshall for Newhaven for the yeare ensuing, and had granted to him that part of y^e paye for serving warrants and Attachments w^{ch} did belong to the Towne before, for encouragm^t to him in his place: /

William Daus, John Ponderson, and James Bishop, Three of the old Townsmen, also Jn^o Gibbs, Dauid Atwater, John Hariman, and William Tompson, were chosen Townsmen for Newhaven for y^e yeare ensuing.

William Fowler and John Winston are chosen to view Corne measures, and William Pecke and Joseph Nash for weights, yards, & other measures, for y^e yeare ensuing: /

Rogger Allen is appointed to see horses branded and to take notice of their markes, according to the Order, and once a yeare is to deliuer a note to the Secretary what horses he hath branded wth their Markes, that they may be by him entered in a booke: /

Francis Browne is appointed to joyne wth Jn^o Hall & Tho: Moris in viewing Cannowes: /

It was propounded that some course might be taken to paye 27^l in Corne w^{ch} the Towne owes in the bay, for their part of powder, gunns, swords, &c., w^{ch} was sent ouer by the Corporation for y^e Indians to the Colonies;* after much debate aboute it, seuerall men gaue in seuerall quantities of Corne to the vallew of aboute 70 bushells, w^{ch} they promised should be ready to send wth the first opportunity, and Leuitent Nash now chosen Treasurer was desired to receive it and laye it in M^r Trobridges house ready for that end: & because this will not come to the said somme by allmost halfe, it is agreed that one Barrell of powder shall be sould in this Towne to those that haue need & will paye Corne down for it, at 2^s 6^d per ^l, and L: Nash was desired to see it so disposed of: wheat is to be received at 5^s and pease & rye at 4^s per bushell: /

The Towne was informed that there is some motion againe on foote concerning the setting vp of a Colledg, here at Newhaven,

* More precisely, the Corporation in England for Promoting the Gospel in New England. See the Acts of the Commissioners of the United Colonies, for May, 1653, in Plymouth Colony Records, x, 33-34.

w^{ch} if attayned will in all likelyhood prove verey beneficiall to this place, but now it is onely propounded, to knowe the Townes minde, and whether they are willing to further the worke by bearing a meet proportion of charge; if the Jurisdiction, vpon the proposall thereof, shall see cause to cary it on: no man objected, but all seemed willing, provided that the paye w^{ch} they can raise here will doe it: /

It was propounded, what course may be taken wth small piggs w^{ch} creepe into quarters & doe much hurt in Corne: it was answered, that the fences must bee mended to keepe them out: /

[152] AT A COURT HELD AT NEWHAVEN, JUNE 6TH, 1654.

The Court being informed that Richard Beech is to goe away from this Towne, called him to show how he intended the two children his wife had before hee married her (w^{ch} was Andrew Hulls) should haue their portions paid, w^{ch} is fiftene pounds ten shillings a peece, as appears by Ingagment vnder his & his wiues hand before marriage: he said he intended the house he liued in and the land should be part, and two coves & a steere of two yeeres old, and desired the Court to appointe some to view the house and land, and he hoped he should propound that w^{ch} should giue the Court satisfaction: and the Court appointed M^r Gibbard and Henry Lindon to viewe & consider house and land and cattell and what else he propounds, and report to y^e Court, that they may know what to doe in y^e case: /

James Russell passeth ouer to Richard Beech one ac^r, one third of meddow, in y^e west meddow, on the further side of y^e riuer, in a Cove, neere y^e Club, in y^e subuerbes quarter, betwixt the meddow of M^r Rotherford and the meddow of Richard Beech that he bought of John Moss: /

Henry Boutles buisnes refferred the last Court was called vpon: pl^t and defend^t wth others concerned in it was told that it were better if they could issue it by some frends in a priuate way: but if they cannot, then the Court will issue it, wth w^{ch} they were content: /

Also the last Court something was spoken aboute a steere, w^{ch} Hen: Boutle did take vp of John Wakefeilds, w^{ch} had some

appearance of vnrighteousnes in it: and now mention was made of a spanshakell* hee left at John Wakefeilds, long agoe, w^{ch} may bee, as is conceived, Richard Miles or M^{ris} Gregsons, wth w^{ch} passages the Court was vnsatisfyed, and at this time onely warned Henry Boutle to take heed of these wayes, and to see that the owner of the spanshakell haue it againe, and if he be any more found in such courses, these will also be remembred, and he proceeded wth according to his desert.

Widdow Preston passeth ouer to William Holt eight & twenty ac^{rs} of land of the second deuiſſion, lying on y^e west side in M^r Lambertons quarter, and is all the second deuiſſion w^{ch} did belong to William Prestons Lott: /

M^r Augar informed the Court that he had lent to Goodwife Laremo^r, while she was here, two bushells and one peck of Colledg wheat, w^{ch} is yet vn^paide, and halfe a bushell she owes himselfe: and desires that three bushells of wheat mault of hers, in Thomas Nash his hand, may be staide to secure it, w^{ch} was Ordered to be done: /

William Gibbons informed the Court that their is some differenc betwixt Stephen Daniels and him, w^{ch} was refferred to arbytration but they cannot issue it, and before Stephen Daniels went last forth he would haue had him taken some other course to issue it, but he refused; therefore desires that fīue pound of his estate may be stopped, in M^r Goodyears hand, for his securitie [153] and to Ingage him to answer him in this Court, vnless a private end be made of it, according to y^e refferrence; w^{ch} y^e Court now in M^r Goodyeaes presence Ordered to be done: /

Thomas Wheeler had libbertie to buy the house that was John Gregories, vpon condition that he part wth that he bought of Richard Miles vpon a just allowance, if the Towne require it: /

AT A GENERALL COURT FOR NEWHAVEN, JUNE 14TH, 1654.

The Orders made at the two last Generall Courts were read: & concerning Trayning, w^{ch} is one of them, it is now Ordered that the fourth day, in y^e after-noone, is appointed euery weeke for trayning, while that Order stands in force: /

* A shackle for fastening chains or ropes.

Some complaints were made aboute the Indians planting in y^e quarter on M^r Goodyeaes ground, and of killing of hoggs, and stealing pease, and that their corne planted is like to be spoyled, except fenced, the Court appointed Serjant Munson, Serjant Jeffery, and James Clarke, and Jn^o Allen as a witnes of something he knowes aboute hoggs, to treat wth them, and prepare it against M^r Goodyear comes home: /

Concerning horses, according to y^e Generall Courts Order, it was now agreed that what horses are in y^e Towne, fitt for service, shall be looked vp speedily: and Edward Camp, James Bishopp, John Benham, and John Thomas, are appointed to that service: and y^e Townsmen are appointed to consider of a place for a pasture for them: a place neere Peter Mallaries was named, and also some part of M^r Hawkins his out lott, and a place neere William DAVIS his house: and those that haue sadles were desired to see y^t they are in readines for publike service: /

John Harriman is excused from being a Townesman, because of his other publike occasions aboute y^e Ordinary, in this troublesome time; and John Coop^r was nominated (and being willing) was chosen to serue in his roome for this yeare: /

Concerning the great gunns, William Russell and Thom: Morris are appointed to looke to them at the water side, and Jeremiah How and Joseph Nash for these that stand neere y^e meetinghouse; and the Towne will allow what may be meete for their care and paines in y^e service, and are desired to see that there bee provided ladles, rammer heads, sponges, and what else is wanting in that kinde: /

It is Ordered that euey Treasurer for y^e Towne doe, before he giue vp his Account euey yeare, gather vp all debts due to y^e Towne, that he that is newly chosen may come in cleere from that trouble; and M^r Atwater is to begin this yeere:

It is Ordered that the Court wth two of y^e Townsmen, viz, William DAVIS and John Coop^r, shall audit y^e Treasurers Accounts for y^e yeare past: /

It is Ordered that one whole rate be forth wth paide, to discharg this Townes part of a two hundered pound rate, now leuyed by y^e Jurisdictⁿ.

It is Ordered that y^e Townsmen haue power to heare Complaints concerning fences w^{ch} are defective, and make Orders

concerning them and leuy fines for the same, according to y^e Orders made, as if y^e Court did it:/

[154] Something was propounded concerning some fortification aboute y^e meeting house, for securitie of weomen & children, if there be occasion: but it was left further to be considered, and the Towne was desired to see that the watch be duely attended, both nights and Lords dayes, and one to stand vpon the meeting house to make discovery of danger that may be neere:/

AT A GENERALL COURT FOR NEWHAVEN, JULY 21TH, 1654.

The Gouverno^r informed the Court that the occasion of this meeting is aboute swine, and fences; many complaints haue bine made that some Indian corne is spoyled, and more like to be, if some other course be not taken. It was desired that notice might be giuen whose hogges they are that haue bine found in the quarters to doe harme: upon w^{ch} the pound keeper named William Holts, Ro: Martins, M^r Tuttills, Thomas Meekes his, M^r Gilberts, Edwa: Watsons, Isack Beechers, Dauid Atwaters, Edwa: Camps, William Judsons, and Henry Hummerstons: and it was now Ordered that the swine before mentioned or any other w^{ch} haue bine, or shall hereafter haunt, the quarters where Indian corne is, shall be kept vp by the owners or yoaked so as they may not gitt into the feilds to doe damage; and if any of them swine be found in y^e feilds or streets vnyoaked, the owner shall pay 12^d a peece for them, beside damage:/

And whereas some thinke the veiwers of the fences are not so carefull as they should be, and that the viewers last yeare were vnder oath, it is desired that these may also: w^{ch} was accordingly done by them all except M^r Tuttill who was now out of Towne and is to be warned to doe it another time. The Tennour of w^{ch} oath was to this purpose, that they faithfully attend the trust committed to them, in viewing of fences, according to their best light.

And it is now Ordered that all viewers of fences, for the time to come, shall be vnder oath faithfully to discharch the trust committed to them:/

AT A COURT HELD AT NEWHAVEN YE FIRST OF AUGUST, 1654.

Thomas Clarke of Guilford who hath married the widdow of M^r John Jordan, late of Guilford, deceased, declared that there is a debt of aboute fifty pounds, w^{ch} M^r Evance owed to the said John Jordan, w^{ch} he cannot haue paide him, and now desires an attachment vpon some pipe staues of the said M^r Evance, w^{ch} are at Brandford w^{ch} hee thinkes will neere hand amount to y^e said somme. The Court inquired whether the debt was cleere, and if there might not be objections [155] made against it by some on the behalfe of M^r Evance. M^r Goodyeare saide Nathaniell Whitfeild had something to object, but is not here, & M^r Thomas Jordan may say some thing to cleere the case, all w^{ch} was considered, yet the Court saw cause to grant the attachm^t, but Ordered that Thomas Clarke, M^r Jordan, and Nathaniell Whitfeild all app^{re} at the Court of Magistrats, in October next, to giue what light they can in y^e case, and then the Court will consider further of it & issue as they shall see cause: in y^e meane time the pipe staues are to be staide, and the propertie not altered, to w^{ch} purpose an attachm^t was now giuen, directed to y^e marshall of Brandford to be executed:

Thomas Yale p^rsented to y^e Court a noate vnder the hand of M^r Thom: Pell, wherein he desires y^e said M^r Yale to make entry of the land he had sould to Allen Ball, James Russell or William Bradly, but saith not how much land it is, nor can M^r Yale now tell how much it is to either, and by his noate it may be all to one: w^{ch} note being imperfect, and y^e matter not prepared, it was respited, and M^r Yale was wished to inform M^r Pell of it, and that when he comes to the Towne, he may goe to y^e Secretary and declare the thing fully and cleerely, and then afterward entry may be made of it: /

John Benham was complained of by the Townsmen for bringing in an imperfect note of his rates last yeare & this yeare, leauing out last yeare one mare, and this yeare one mare and one horse of two yeare old. William Bradly also was complained of for y^e same leaving out this yeare three ac^s of land and three ac^s of meddow; both w^{ch} cases being considered, was judged by the Court to be a neglect at best: and so according to y^e Order, they are to pay the double for what they should haue paide for them to one rate, and all just rates for y^m beside:

William Judson, Edward Camp, Jeremiah Whitnell, and Henry Glouer were complained of for keeping more swine then they are by the Order allowed to doe. In Examination whereof it appeared that William Judson had six more, Edward Camp ten more, Jeremiah Whitnell three more, and Henry Glouer foure more, all w^{ch} themselues granted and was conuincd of by the Order: onely Will^m Judson objected something aboute some piggs he had, not two monethes old, and some in y^e woods he thinkes is lost, w^{ch} if he can cleere it may be considered; but according to the light that now appeares the Court Ordered, that y^e parties before named shall for euery swine they haue, aboue their proportion, as before mentioned, according to y^e Order paye fve shillings a peece, they hauing libbertie keepe them till next killing time wthout payeing further fine; but this to be no president, vnless the Towne when they meete see cause that the Order shall be made so: /

Mathew Moulthrop and John Jones were complained of, for y^e like disorder, but are not here, and are to be warned to y^e next Court to answer it: /

M^r Thomas Yales fence was complained of that it is generally bad, but six lengthes especially, for w^{ch} he was fined six shillings: /

Jeremiah Osborn was complained of for falling aboute thirty trees in y^e ox-pasture in a disorderly way; he said it was to gett barke for his trade, and desires the Towne to consider it, and his men falled more than he did intend, and some of them was in M^r Atwaters lott, w^{ch} had libbertie for, and some of them wthout the two mile: w^{ch} objections being made, it was respited till y^e next Court that things may be further cleered, & then proceeded wth accordingly: /

M^r Atwater was complained of for not attending Order in falling wood in the ox pasture, but not being here, it was respited: /

William Judson was also complained of for falling eight trees in y^e ox pasture, contrary to Order; he owned he falled the trees, but pleaded ignorance of the Order, w^{ch} he had no ground to doe, seeing it was made publiquely, [156] but he said he submitts to the Courts Order, w^{ch} is two shillings a peece: /

Edward Watson informed the Court that the Estate he hath in his hand (for w^{ch} he stands ingaged) of the children of John Walker, is in a wasting way, and he vnfitt to improue it: therefore desires y^e Court to take some course to dispose of it, w^{ch} the Court resolved to consider of privately: /

Eighteen pounds of the Estate of Richard Beech, in y^e hands of James Bishop and Jeremiah Osborne, was now by Order of Court made staye of, towards the payement of the portions of his wiues children, the said Osborne and Bishop being now present when it was done: /

Samull Marsh complained that Joshua Bradly being keepinge cowes came to his house, one Saboth day, and when his wife and hee was come to the Towne to y^e Meeting, the said Josua did cary it in a base, filthy, lustfull way toward a daughter of his w^{ch} he left at home, aboute six yeares old, pulling her downe vpon ye bedd, kissing of her, laid his legg ouer her, put his hand vpon her bare belly, and when the child gott away, he caught her againe and threw her vpon the bedd againe, &c; and when he came home at noone, the said child and another litle boye, aboute foure yeares old, complained to him that Joshua was naught, and then told him as before; all w^{ch} the said Josua owned now before y^e Court, though he had impudently denyed it at first, and was sentenced to be severely whipped for these miscariages, and y^e more sharpely because it was vpon the Saboth and because it is a returning to y^e same way of filthyness he hath bine formerly corrected for: /

AT A COURT HELD AT NEWHAVEN, SEPTEMR 5TH, 1654.

The buisnes of Richard Beech was againe presented to y^e Court, and though the Couenants wherein he was ingaged were not then visible, by reason of y^e Gouvernor^s absenc, yet the ingagment were so farr granted as that the Court saw no reason to suffer transportation of his cattell or other personall estate till further satisfaction, w^{ch} he was desired vpon more due preparation to bring in the next Court; also M^r Gibbard and Henry Lindon, haueing viewed and considered his house and land,

informed the Court they might be worth aboute eight pound, w^{ch} the Court was willing to accept in part of payement of the whole, and wished him to propound (as willing to make what abatement in justice they might) what further he thought of towards the payem^t of his wiues childrens portions; but findeing him not fitted to giue answer and desireous the eightene pounds vnder attachm^t, in the hands of James Bishop and Jeremiah Osborne, should in part at least (w^{ch} the Court saw no cause for) be released to the occasions of his family, as also to transport his cattell, though no satisfying securitie appeared, refferred him to riper thoughts of the buisnes, consenting to his present saile (if he thought good) of house, lands, or cattell, to best advantage, provided that Justice be satisfyed, and in the meane while there be no transportation of any personall estate till further Order.

[157] M^r Benjamin Linge informed the Court that he appeared as M^r John Roberts* Atturney, expecting the prosecution of the attachment taken out by William Dauis and laid vpon the estate of M^r Roberts, stopped in y^e hands of M^r Wakeman, in refference to a debt to be proued in this Court; and in y^e absence of William Dauis, and through the vnpreparednes of M^r Linge, who had no letters of atturney for present to shew, the matter was respited till next Court (vnless they otherwise agree in the interim); and M^r Ling was wished to informe William Dauis the Court expected the debt to be cleared and proued before any altering of the propertie of the goods attached, and that he come prepared y^e next Court to prosecute his attachment, that the estate of M^r Roberts in the forementioned hands be either cleared or condemned; as also they advised M^r Ling to come better fitted or proue himselfe the full & lawfull atturney of M^r John Roberts, if he expected to be heard in his behalfe.

The same was said in y^e like case depending betweene M^r Joshua Atwater and M^r Jn^o Roberts, the foresaid M^r Linge appearing as his lawfull atturney and desiring M^r Atwater would prosecute the attachm^t he had taken out against the estate of M^r Roberts, in his owne and M^r Wakemans hands, and he would answer: but neither appearing prepared for the buisnes, it was respited to y^e next Court: /

* Recently returned from New Haven to England.

AT A COURT HELD AT NEWHAVEN, OCTOBER 3D, 1654.

Henry Gibbons was complained of for absence at the Trayning the last Trayning day but one; he said he had hey lay in hazard of being spoyled wth the tide & cattell, it comeing home but the last day at night before; he was told that it was a case w^{ch} may many times fall out, wth seuerall persons, and others who haue bine absent vpon the like occasion could not be excused: & therefore, according to the Townes Order, he must paye his fine, w^{ch} is fise shillings: /

Francis. Browne was complained of for absence at Trayning also. It was answered that he was carying away Thom: Beech to Millford: but he being absent now, it was referred to y^e next Court, when the buisnes was heard againe in Francis Browns presenc and such reasons giuen as the Court saw cause to pass it wthout a fine: /

William Gibbons was also complained of for absenc at Trayning, and referred to y^e next Court; but vpon reasons he then gaue of his being not well the Court saw cause to pass it wthout fine: /

John Tompson, plaintiffe, declared in an Action of Slander against Robert Seely that there being a Bargaine betwixt them two aboute a boate, Robert Seely hath reported that he caried it dishonestly and in an vnjust way, and likewise that he is vpon so many seuerall turnes that he cannot tell where to haue him. This action being entered, sundrie debates were aboute it and some witnesses produced, yet some wanting w^{ch} were necessary to cleere the case; and therefore by advice of the Court both parties agreed to referr it to arbytration, and John Tompson chose Thomas Munson, and Robert Seely chose Jeremiah How, and they two are to chuse an vmpier, if the cannot end it themselues, in w^{ch} arbytration all matters yet remaining [158] for difference betwixt them aboute this bargaine are included; & both parties ingaged before the Court to stand to the award agreed vpon by the said arbytrators: /

John Meggs, plant., against M^r Goodyeare, John Tompson & William Russell, and declared that sundrie things of his in y^e hands of James Till were attached by Order of this Court as James Tills goods, w^{ch} were not his, but his the said Meggs his: and therefore he desires they may be restored to him; but John

Meggs not haueing some wrightings here w^{ch} the Court required as necessary to cleere the case, and also that the said Jn^o Meggs wife (who can say something further to cleere it) may be here, it was respited till y^e next Court: /

AT A GEN: COURT FOR NEWHAVEN, NOVEMBR 2D, 1654.

The Gouverno^r acquainted the Towne that vnderstanding from some that they expected some information aboute Delaware Bay, wherevpon he read to them a letter he wrott to the Sweeds Gouverno^r by Order of the Generall Court in July last, and an answer thereunto received from the Sweeds Gouverno^r, and a letter written by the Commission^{rs} in answer to that: also that when he was at Hartford at the Commission, seuerall spake to him there aboute their going theither if it might be planted, and therefore y^e Towne may now consider w^{ch} way it may be caried on; but after much debate aboute it, and scarce any manifesting their willingness to goe at present, a Committee were chosen, vizt; Robert Seely, William Daus, Thomas Munson, and Thomas Jeffery, to whom any that are willing to goe may repaire to be taken notice of, and that if there be cause they treat wth those of Newhauen who have purchased those lands, to know what consideration they expect for them: /

Leitennant Nash, the Treasurer, informed the Towne that there is need that another rate be paide to answer the Townes occasions; to w^{ch} the Towne were not willing at present, but left it wth the Townesmen to see whether the former Treasurer, M^r Atwater, hath gathered in the old debts, according to Order, and as they see cause to alow and Order that another rate be gathered: /

AT A COURT HELD AT NEW HAUEN, NOUEMBR 7TH, 1654

Thomas Johnson was complained of for kindling & making a fire in his home lot, to burne vp rubbish w^{ch} was there, contrary to a publique knowne Order, w^{ch} he could not plead ignoranc of, though he said he thought it might doe no harme, it being a still day, by w^{ch} action of his much damage might haue come to the

neighbours thereabout, who complained of the same; w^{ch} the Court considered of, and knowing what hurt may come if men be slight in observing such Orders, could not but [159] declare that he must paye the whole fine or penalty in that case Ordered, w^{ch} is forty shillings: /

Hee was also complained of for carying away a tree in y^e ox pasture, contrary to Order, the penalty whereof is two shillings; he said hee had the tree of Jeremiah Osborne, who had libertie for it to vse aboute his tann fatts, wherevpon the Court Ordered that they doe both attend the next Court to cleere it: /

William Bradly against Thomas Johnson complained that hee hauing bought sundrie peeces of timber of Sam: Hodgkins, for w^{ch} he had libbertie in y^e ox pasture, towards the building him a house after his owne was burned, but after buying a house, he vsed it not, but sould it him for so much as (he said) the workmen had for falling and squaring the same; but Thomas Johnson hath cut some of it in peeces and was carying some of it away, but being accidentally mett wth was stopped, onely one peece is gone w^{ch} he knowes not who to charge wth, but he and some other by his cutting it made vnfitt for ye use he intended it; and that he had offerred Thomas Johnson if he would giue him five shill. he would be satisfyed, (though he valewes that one peece w^{ch} is gone worth so much) but he refused:

Thomas Johnson said he went into the woods, intending to cut some crutches for a hovell, and seeing this timber lye there, he thought hee might take it, but was told, no, there being labour in hewing bestowed vpon it, but if that had not bine yet he must haue asked leave of a magistrate to haue taken it: both w^{ch} appeared by the Order, w^{ch} was now read; he said he did not know that; he was told he might haue done, for it was made in a publique Towne meeting.

The Court considered of y^e case, and Ordered Thomas Johnson to paye William Bradly fve shillings for damage, and y^e Court charges beside.

Joseph Nash was complained of because his fence is defective and so remained, though he hath bine diuers times warned to mend it, as Henry Gibbons one of the viwers for that qrt informed, but he not being here now is to be warned to y^e next Court to answer it: /

John Meggs appeared to prosecute his action entered the last Court, and indeavoured to prove that the things w^{ch} were attached as James Tills were his, and for that purpose p^rsented two writings, the one a covenant when he let his farme to Jams Till, but so worne and torne that it could not be fully read, the other a small writting, written as he saith by James Till, wth his hand to it, but no witnesses, w^{ch} the Court could not receive as sufficient prooffe, and therefore could proceede no further in y^e case at this time, onely if John Meggs giue satisfying securitie, he may haue the things, w^{ch} are to be had till matters may bee further cleered:

Andrew Low, one of the ouerseers of Robert Prestons will, and by that haueing power, wth William Peck, the other ouerseer, to dispose of the house & land of the said Robert, hath sould and now passeth ouer to James Eaton y^e house & home lot w^{ch} were Robert Prestons and fīue ac^{rs} & a halfe of land thereto belonging, lying in y^e Yorksheir quarter: /

[160] Andrew Low by the same power passeth ouer to John Meggs fīue ac^{rs} & a halfe of meddow w^{ch} was Robert Prestons, lying in y^e east meddow, on the east side of the riuer, betwixt the meddow of the said Meggs and M^r Evance.

M^r Thomas Yale, on y^e behalfe of M^r Pell, as appeares by a letter of atturny authorizing him therevnto, passeth ouer to William Bradly all his land and meddow, lying on the west side of the East riuer, betwixt the land of M^r Eaton and Richard Mansfeild, being one hundred fifty foure ac^{rs} of vpland and thirty three ac^{rs} of meddow: /

M^r Evanc, as appeares by a bill of sale vnder his hand, now presented to the Court, hath sould to John Meggs fīue ac^{rs} of land near the West riuer, vpon part of w^{ch} was a house or cellar built by Francis Hall when he lived at M^r Evance his farme, w^{ch} sale the Court now approved and passed it ouer to Jn^o Meggs.

John Meggs passeth ouer to Richard Hubball the foresaid fīue ac^{rs} of land, and fīue ac^{rs} & a halfe he had of the Towne, lying in the Yorkesheir quarter, next the land of Robert Preston, and eleuen ac^{rs} of meddow, lying in y^e east meddow, on y^e east side of y^e river, halfe of w^{ch} he now receiued of Andrew Low and the other halfe was giuen him by the Towne, also twenty ac^{rs} of land of the second deuission, lying on y^e east side, next the land of

M^r Evanc, and one ac^r in y^e neck, wth all his right in the ox pasture:

Richard Hubball passeth ouer to Edward Perkins that fve ac^s of land w^{ch} John Meggs now receiued of M^r Evance, wherevpon y^e old cellar stood.

Richard Hubball passeth ouer to James Eaton fve ac^s & a halfe of land in y^e Yorkesheir quarter, and eleuen ac^s of meddow, and twenty ac^s of vpland on y^e east side of y^e East river, one ac^s of land in the necke, and all his right in y^e ox pasture, all w^{ch} hee now received of John Meggs as before mentioned: /

AT A GENERALL COURT HELD FOR NEW HAUEN, THE 27TH OF
NOUEMBER, 1654.

The Committee w^{ch} was appointed the last Court aboute Delaware bay, acquainted the Towne that they had desired this meeting, that they might informe them what they had done in that trust committed to them. They had spoken wth sundrie persons in the Towne, but that not answering expectation they got a meeting of the bretheren and neighbours, and for the most part they were willing to help forward the worke, some in person, others in estate, so the worke might be caried on and foundations laide, according to God; and at that meeting they desired that the Gouvernor and one of the Magistrats, wth one or both y^e Elders, might by their persons help forward that worke, wherevpon they had a church meeting and propounded their desire. The Elders declared they were willing to further the worke, and was glad it was in hand, but M^r Dauenport said in refference to his health he sees not his way cleere to ingage in it in person, nor M^r Hooke, because his wife is gone for England and he knowes not how God will dispose of her. The Gouverno^r gaue no positive answer, but said it was worthy of consideration: /

[161] They further informed that some from other plantations see a need of the worke and are willing to ingage in it, and the rather if it be begun by Newhauen and foundations laid as here and Gouverm^t so caried on, thinking it will be for the good of them and their posteritie: /

They also declared that they had treated wth the proprietors aboute the purchase of the lands, and vnderstand that they are

out aboute six hundred pounds, but are willing to take three hundred pounds, to be paid in foure yeares, that is, one hundred pound at two yeares end, another at three yeares end, and the last at foure yeares end, w^{ch} they accepted of, if a suitable company appeared this Spring to plant it: /

After these things sundrie debates passed aboute it, and diuers declared themselues willing to goe, if they might see some appeare as Leaders to them for setling and carying on civill affaires there; and in the issue it was propounded to M^r Samuells Eaton & M^r Francis Newman, two Magistrats in this Jurisdiction to goe alonge wth them, who after some perswasions were willing to take the matter into consideration: /

AT A GEN: COURT FOR NEWHAUEN, DECEMBER 11TH, 1654.

The Committee appointed aboute Delaware bay acquainted the Towne that they desired this meeting, that the Towne may receive the answer of M^r Eaton and M^r Newman in the matter propounded to them the last Court. M^r Eaton gaue answer that it is necessary there be some Leaders in such a worke, but for his part the jurisdiction hath an interest in him, w^{ch} he must haue respect to, but if it appeare that God call him therevnto he shall be willing. Francis Newman assented to what M^r Eaton said, and declared that if a meete number appeare, for quantitie and qualitie, that the worke of Christ may goe on in church and common wealth, foundations laid & things caried on as here, and that in convenient time this next spring at furthest, though hee hath sundrie objections in respect of himselfe and private occasions, yet he is so farr willing to further the worke as he would not by his wthdrawing hinder it: /

A pap^r of some things agreed vpon by the Townesmen were p^rsented to the Court, read, approved, and Ordered to be entered, w^{ch} are as followeth:

DECEMBER 9TH, 1654.

I. It is agreed by the Townsmen, that if any shall doe any worke for the Towne, and that they be set a worke by order of the Townsmen, they shall haue Order from the Townsmen before they goe to the Treasurer for paye, & that they cary in an

Account wthin a moneth after they doe the worke, or else they are to forfeite it, if they cannot giue a sufficient reason to y^e Court.

2. It is agreed by them also, concerning the schoolemaster that he shall haue for this yeare thirty eight pounds :/

3. It is also agreed that for those that are behinde in their rates, some speedy course should be taken for the payement of them, yet notwthstanding, considering how they finde Accounts stands wth the Treasurers, they see need that a rate and a halfe be forthwth paide :/

4. They desire the Court to consider of some to see the Orders be attended w^{ch} concernes those that drawe strong liquors :/

5. That the Townsmen haueing had many thoughts aboute cleering the neck, they propound it to the Towne, that first the neck be fenced, and then that the sheepe be stinted, and that euery one doe a day worke for euery foure ackers of land to cleare it, for the present, if they cannot evince to some who shall be deputed that it is allready cleared, w^{ch} if they can it shall bee left to the discretion of those deputed for the moderateing of it :/

[162] AT A MEETING OF THE PERTICULER COURT PRIUATLY.

Vpon the desire of Richard Beech, the Court mett at the Gouverno^rs house, the 15th of December, 1654, to consider how the portions of the chilldren of Andrew Hull, Hanah and Sarah, should be paide; and though by an Agreem^t under the hand of Richard Beech and his wife, the said Hanah & Sarah were to haue fiteene pounds and ten shillings a peece, yet findeing that the house and land of the said Andrew Hull, w^{ch} was prised (as the said Richard saith and can testifie vpon oath, if it be required) at thirty pounds, doth not come to now (according to the valuation put vpon it) aboue foureteene or fiteene pounds, the Court saw cause to abate fue pounds in the said portions equally, so that now they are to haue thirteene pounds a peece, w^{ch} is six & twenty pounds in the whole; sixteene pounds whereof is in the hands of James Bishop and Jeremiah Osborne, and by the Court staide there for this purpose, now due, and ten pounds in the hands of John Wakefeild and Peter Mallary, to be paide in good

currant cuntry pay at merchantable price, at Michaelmas come twelue moneth; thirteene pounds of the sixteene is forthwth to be paide to Hanah Hull, who is now at age, and the other three pounds to be paide & improued for the vse of the said Sarah, who is to receive the other tenn pounds at the time appointed: /

John Wakefeild and Peter Mallary, the 16th of December, 1654, declared before me, Francis Newman, that they owe to Richard Beech tenn pounds, to be paid in good currant cuntry paye at merchantable price, at or before the 29th of September, 1656, w^{ch} they doe joyntly and seuerally binde themselues to paye, by the appointm^t of Richard Beech, to the vse of Sarah Hull, as the Court shall Order, and promised to giue a bill for the same: /

AT A COURT HELD AT NEWHAUEN, FEBRUARY 6TH, 1654.

Edward Parker appeared and declared his willingness to resigne the house and land w^{ch} was his wiues former husbands into the hands of John Potter, the sonn of the said John Potter deceased, who is now at age. He was told, by agreement vnder his hand he is to keepe the house and fences in good repaire, and whether it be so or no the Court cannot tell: therefore they appointed Richard Miles and Henry Lindon to view & consider the house and fences, how they are, and to gather what light they can from any other how they were when the said Edward entered vpon it, and report backe to the Court how they finde things and whether they answer the said Agreement, or no, and then the Court will further consider of it, and issue it as they see cause: /

A petition from Phillip Leeke was presented, desiring a release from a fine of forty shillings, laid by this Court aboute two yeare since; but y^e Court told him that till he had giuen satisfaction in other cases wherein y^e Church was offended, they should doe nothing in it; yet, considering his condition, as it is presented, they were willing to forbear it a litle longer: /

Edward Camp was complained of for not issuing accounts wth the Treasurer and for not bringing in an account of his estate; he said he had brought in accounts of his estate from time to time, as it hath bine required, w^{ch} he can prove, but he hath vnderstood from some w^{ch} received those acco^{ts} that some of his notes mis-

caried. For the issuing of these matters wth him, it was referred to M^r Gibbard and M^r Atwater:

Richard Beech passeth ouer to John Wakefeild (wth Peter Mal-laries consent who bought the land wth him) fue ac's of vpland in the subverbes qrt, the north end buting against the way to the west bridg adjoyning [163] vnto that w^{ch} was Richard Osborns & now is Jn^o Coop's & Abraham Dowlitles, on the west side of it: and 4 lotts of meddow conteyning 8 a^{cs}, w^{ch} was Rich: Beech his owne, and Jn^o Moss & James Russells & Luke Atkinsons:

Mathias Hitchcocke passeth ouer to John Wakefeild his house and home lott, one the other side of the west creeke, fue ac's & a halfe of vpland in the subuerbs quarter, lying betwixt the land of Geo: Smith eastward & Hen: Gibbons west, both ends buting against the land of Henry Lindon; 4 ac's of land on the other side of the west riuer, in the first deivission, betwixt the land of M^r Eauanc northward & William Potter south; sixteene ac's of land of the second deivission, in the subuerbs quarter; and 4 ac's of meddow in the west meddow, the bounds whereof they are to bring me

James Rogers of Milford informed the Court that aboue two yeare since he entered an Action in this Court against Jn^o Charles, for carying away a servant of his in his boate, w^{ch} was then by consent referred to Arbytration, but since that time to this day he can get no end of it, and now M^r Linge who was Jn^o Charles his Arbytrato^r is gone;* therefore he desired y^e Court to issue it. The Court told him Jn^o Charles might chuse another man, and so they might issue it betwixt this and the next Court, w^{ch} if they did not, vpon his information and prosecution the Court would then issue it; to w^{ch} John Charles agreed, and did now in Court chuse Lieutennant Seely for his Arbytrator in the stead of M^r Linge: /

AT A COURT HELD AT NEWHAUEN MARCH 6TH, 1654/55

John Ponderson and Thomas Meekes, who are viewers of fences in the quarter from the mill way to the cow pasture way, were complained of, that they haue not performed their trust, nor

* Referring to some temporary voyage. Benjamin Ling survived until 1673.

fullfilled their oath, in viewing and complaining of the defective fences, by w^{ch} meanes it is now said that in twenty places the fence lyes downe and damage is done in corne, w^{ch} if it be required they must paye, beside the fine for neglecting their duty, not complaining of them that mend not their fence, according to Order.

Some returne was made to y^e Court by Henry Lindon concerning y^e viewing of John Potters house, but Edward Parker and he not agreeing in some perticulers, it was refferred to y^e next Court, that Hen: Lindon might speak wth Richard Miles, the other man intrusted, and then make a full report of it.

Richard Beech passeth ouer to Jervise Boykin six ac^{rs} of land in subuerbs qrt, the north end butting against the way to y^e west bridg, and next the land of John Wakefeild, and two and twenty ac^{rs} of land in the second Deuission, on the west side, w^{ch} was the second Deuission of Richard Beech his lot and Andrew Hulls; and aboute three ac^{rs} of meddow in Solatary Cov: w^{ch} is the proportions of Andrew Hulls and Arthur Holbich in y^t Cov: /

Jervise Boykin did ingage before the Court to paye forty shillings that he owes to Richard Beech (the said Richard beeing present and consenting) to the Court at Michaelmas come twelue moneth, w^{ch} will be y^e 29th of Septem: in y^e yeare 1656, in good currant cuntry paye at cuntry price,* for the vse of Sarah Hull, his wiues daughter: /

Dauid Atwater and William Potter p^rsented a writing to y^e Court vnder their hands as the last will and Testament of Richard Mansfeild, declared to them the 8th of January, 1654: and they both testified now vpon oath that this writing now deliuered in to the Court by them is to their best vnderstanding y^e last will and Testament of Richard Mansfeild deceased: /

[164] The last will and Testam^t of Anthony Tompson (who dyed at Milford) was p^rsented to the Court, made 26th of December, 1654, witnessed by M^r Peter Prudden, pastor of the Church at Milford, and by his mother in law† in one part of it.

An Inventory also of the Estate of the said Anthony Tompson was presented, amount^g to forty one pound, nineteene shillings and ten-pence, taken the 5th of March, 1654/55, prised by John

* Pay in commodities at prices fixed by the government for the payment of rates.

† Katharine, step-mother of Anthony Thompson, Junior, now wife of Nicholas Camp, of Milford.

Nash and Thomas Kimberly and by them testified vpon oath to be a true Apprisment according to their best light, and John Tompson, the Brother and Executo^r of y^e deceased, tooke oath that it is a full & true Inventory of the Estate, according to his best knowledg: /

William Pecke demanded ten shillings of the estate of John Griffen, w^{ch} the said John owed him for curing his legg w^{ch} was sore, and produced his booke for prooffe, w^{ch} wth his owne testimony the Court accepted, and Ordered M^r Gibbard who hath some of that estate in his hand to pay William Pecke ten shillings: /

M^r Richard Malbon and M^r Hutchinson of London, as appears by writing vnder their hands, haue sould vnto Capt John Betton, of Shrowsbury, the houses, house-lot, and all the accommodations belonging to it, w^{ch} was the said M^r Malbons, scittuate in Newhauen,* next the lot of M^r Dauenport, and it was now passed ouer to Theophilus Eaton, Esq^r., Gouerno^r of this Jurisdiction, for and to the vse of the said Capt. Betton, w^{ch} accommodations is in a booke where mens lands are entered.

Benjamin Linge, as appears by a note vnder his hand, hath sould and thereby paseth ouer vnto Jervice Boykin two ac^s & a halfe of land in the first deuission of their quarter, lying betwixt the land of M^r Ling and M^r Tench, one the west side of y^e water course: /

M^r Goodyear testified that Theophilus Higginson did declare before him that hee passed ouer to M^r Thomas Willitt,† in part of payement for a debt he owed him, his house and home lot, w^{ch} was John Liuermores, and what land belongs to it, w^{ch} the Court now confirmed to M^r Willitt: /

And vpon M^r Goodyear's testimony the Court now passed the said house & what land is proued to belonge to it, from M^r Willitt vnto Joseph Alsop.

John Nash informed the Court that there are some gunns of M^r Westerhouses at his shop, w^{ch} will be spoyled wth the rust if they be not sould or looked after. The Court Ordered him to sell them, wth a paire of stiell-yards at Jervice Boykins, and so brought to account, as other things, for the vse of the creditors: /

* On the east side of State street, at Court.

† Of Swansea, Mass.

AT A GENRLL COURT FOR NEWHAUEN, 12TH OF MARCH, 1654/55.

Edward Camp, Ralph Lines and Richard Spery were complained of for falling trees contrary to Order, to make pipe staves for some of Milford: they said they knew not but they might fall, so farr off from the Towne, but they now see the Order forbids them, and they are to get but six thousand, w^{ch} is for Ensigne Bryan, to paye for things they had of him for the comfort of their families, beside where the trees grew; the stuff of them could not wthout much diffyculty be brought to Newhauen, but they leaue it to y^e Court, who after consideration alowed them to get this six thousand, but wished them & others not to be encouraged to breake y^e Order by this example: /

The Towne was informed that there hath bine much hurt done amonge the sheepe by doggs this winter, and particulerly to M^r Dauenport, yesterday ten pound loss, likewise that men haue sometime bine in danger, when many doggs are gathered together after a bitch. Therefore it is Ordered that euery man in this Towne w^{ch} hath a bitch, when he vnderstands she goes to dog, shall chaine her vp, and if she be found abroad and dogs after her, after warning, he shall forfeite twenty shillings, beside the damage y^t shall come by his neglecting this Order, w^{ch} fine shall goe, halfe to the Towne, the other halfe to be equally deuided betwixt the informer and the marshall for prosecuting: /

[165] And it is further Ordered that if any man suffer his dogg to come to y^e meeting-house, or be abroad in meeting time, on the Lords day or other extraordinary days of meeting, vnmused sufficiently, he shall forfeite for each time twelue pence, beside what damage can be proued his dogg did in that time, w^{ch} fine is to be deuided as the former; this Order to stand in force till y^e first of May next: /

It is Ordered that if any dogg be complained of to y^e Magistrate as suspicious to doe harme amonge cattell, specially sheepe, if the Magistrate judg it a just cause of suspition, and giue the owner warning thereof, if after that dogg be proued to doe hurt in that kinde, the owner of the dogg shall paye the damage: /

M^r Wakeman gaue notice to y^e Towne that there is a red stray steere, he thinkes foure yeares old, at his house, if any want such a one they may come & see him.

It was now voted that euery man w^{ch} hath land in the necke shall, for euery foure ac^{rs} in proportion, doe a dayes worke of a man towards the cleering of it, wthout refferrenc to any whose land is cleere all ready, much of it hauing bine done at a publike charge, w^{ch} is to be accomplished by the last of May next; and that some men be appointed to goe wth euery company, that may giue directions for the ordering of the worke for the best; and all that haue land there are ordered to bring in to the men hereafter named in the seuerall quarters how much land they haue there, and that betwixt this and the first of Aprill next, vnder the penalty of twelue penc for his neglect, w^{ch} fine shall goe to the man appointed if he take paines to gather it vp: Francis Newman, Henry Lindon, M^r Gilbert, John Nash, John Gibbs, Thomas Wheeler, William Judson, Thomas Munson, Samuell Whitehead: /

It is Ordered that if cattell be found in corne feilds, and any bring them out & informe the owner or pound them, he shall be paide according to Order, but if the owner of the cattell doe show them w^{ch} complaine the defectiue fence where they did or might come in, he is free, and he that receiveth the damage, or complaines, is to recouer it of the fence, both his poundage and damage, wth what is justly required for the time spent in viewing the said defectiue fence: /

Richard Miles, Senio^r, is appointed viewer of corne for this towne for the yeare ensuing, according to the Order of the Gen: Court, in May last:

It is refferred to the Millitary officers to chuse and agree wth a new drummer for the Towne, in y^e roome of John Benham, who desires to be released: /

Leitennant Nash propounded for a release from his place of being Leitennant, but nothing was done in it, but refferred to further consideration: /

M^r Goodyeare was desired, when he goes to Connecticote, to goe the new way, and take notice of it, and let the Court vnderstand how he finds it, that if they see cause they may send forth men to marke it out: /

They w^{ch} were appointed to stake out the way at dragon poynt, were desired to hasten to doe it, and now James Byshop was appointed in stead of Mathew Row, and George Pardy in stead of Francis Browne: /

AT A GEN: COURT FOR NEWHAUEN, 16TH OF MARCH, 1654/55

The Towne was informed that the occasion of this meeting is to let them vnderstand how things are at present concerning Delaware, now John Cooper is returned; he findes litle incouragment in the Bay, few being willing to ingage in it at present, and therefore they may consider whether to cary it on themselues, or to let it fall. M^r Goodyeare said, notwthstanding the discouragements from the Bay, if a considerable company appeare that will goe, he will adventure his person and estate to goe wth them in that designe; but a report of three shippes being come to y^e Sweeds seemes to make the buisnes more difficult. After much debate aboute it, it was voted by the Towne in this case that they will be at twenty or thirty pound charge that M^r Goodyeare, Serjant Jeffery, and such other as they thinke fitt to take wth them may goe to Delaware and cary the Commission^rs letter and treat wth the Sweeds aboute a peacable setlem^t of y^e English vpon their owne right, and then after haruest, if things bee cleered, company may resort theither for the planting of it:/

[166] M^r Goodyeare desired, if any knew of any Iron-stone aboute this Towne, they would make it knowne, that now M^r Winthrop is here* he may be gotten to judg of it, and if it proue right, and that an Iron mill might be set vp here it would be a great advantage to the Towne:/

Leiuennant Nash againe renewed his motion to be freed from that place, but the Towne were not willing, but desired he would still continew it:/

AT A COURT HELD AT NEWHAUEN, 3D OF APRILL, 1655.

M^r Bower before the Court declared that, being at Milford the winter last past, Phillip Carwithy desired him to write a note for him, w^{ch} he did, and it was to this purpose, that he the said Philip turned ouer to M^r Samuel Goodanhouse a debt of thirty shillings w^{ch} was then due to him from John Tompson, and upon the payement of the said thirty shillings to M^r Goodanhouse, the

* John Winthrop, the younger, of New London. A letter from the Rev. John Davenport, of April 14, 1655, refers to this visit; see in Bacon's *Historical Discourses*, 369.

said Tompson by this note should be discharged of the said debt; to this note Phillip Carwithy set his hand and he y^e said M^r Bower brought it to M^r Goodanhouse: /

John Nash passeth ouer to John Jones fiue ac^s a halfe, and twenty rod of meddow in Solatary Cov, lying next the meddow of M^r Wakeman on the south, and M^r Gibbard on the north: /

Joshua Atwater passeth ouer to Thomas Johnson ten ac^s of land in the first deuision in the Yorkesheir quarter, hauing the oxpasture lying on the north side, the land of Jeremiah Whitnel and Christopher Todd on y^e east, the high way towards the south, and the land of Joshua Atwater on the west: /

Robert Johnson passeth ouer to his kinsman Thomas Johnson* of that land which was M^r Dauid Yales fiue ac^s & a halfe of medow on the west side of the East Riuer, betwixt the meddow of Richard Mansfield and y^e medow w^{ch} was M^r Brewsters, now William Bradlies, twenty ac^s of vpland of the second deuission, lying against it or neere vnto it, fiue ac^s of vpland wthin the two mile, lying on the left hand of the way, goeing to the Mill, next the land of Francis Newman, and one ac^r & a quarter in the Yorkesheire quarter, formerly M^r James his,† and lying next M^r Wakemans gate: /

AT A GEN : COURT FOR NEWHAUEN, 9TH OF APRILL, 1655.

The Towne was informed that the occasion of this meeting is aboute Dela-ware Bay, their being seuerall who haue purposes to goe, but they conceiue they want both number of men and estate to cary it on; now if any be willing to further it in person or estate, they may doe well to declare it, it hauing bine first made knowne to them that though they may goe free and not ingaged to be a part of this Jurisdiction, yet they and all such as come after must ingage to goe vpon the same foundations of Gouverment as were at first laid at Newhauen, w^{ch} were now read vnto them; and though some objections were made, yet notwthstanding the buisnes proceeded, and diuers declared themselues willing to further it, as appeares by a note in the Secretaries hand:

* Thomas Johnson, Jr., nephew of Robert.

† Rev. Thomas James returned to England in 1647-8.

And for their further encouragm^t the Towne granted, if any goe and leaue none in their family fitt to watch, their wiues shall not be put vpon the trouble and charge to hire a watch man, the persons onely w^{ch} are present being to cary on that seruice. They also further agreed to lend the company the two small gunns w^{ch} are the Townes, or else one of them, and one of the bigger, if they can procure leaue of the Jurisdiction for it, wth at least halfe a hundered of shott for that bigger gunn, if they haue it, & a meete proportion of muskit bullitts, according to what the Towne hath, and also a barell of that po^r w^{ch} the Towne bought of M^r Evance; and concerning their houses and lands w^{ch} they leaue, what of them lyeth vnimproued shall be freed from all rates, one yeare & a halfe from the time they leaue them, paying as now they doe for what they improue: [167] then they shall haue one yeares time more that they shall paye but one peny an ac^r for fenced land and medow as they doe at present; but if they dispose not of them when that two yeare and a halfs time is out, they must paye for their land after the old way of rateing, viz: foure penc, and two pence an ac^r, while they keepe it in their hand: /

Thomas Kimberly is now chosen Clarke for the Millitary company.

It is Ordered that John Coop^r shall consider of a fitt season for the burning of the ox pasture, and then cause the drume to beate in the morning, that men may know it and so goe to secure their fence from the fire: /

AT A COURT HELD AT NEWHAUEN YE FIRST OF MAY, 1655.

Some difference betwixt Francis Newman and Isack Beecher concerning twenty shillings, w^{ch} Isack owed to M^r Robert, was propounded to the Court, w^{ch} debt was granted, but the said Isack required something of M^r Ro. Newman for dung he had of him when he left his farme. The buisnes in both the parts of it was referred to arbytration: Isack Beecher chose M^r Gibbard, and Francis Newman Henry Lindon, and both parties promised before y^e Court to stand to what end they shall make of the buisnes: /

Thomas Johnson passeth ouer to John Johnson of that land w^{ch} he rse of his vnkel last Court, five ac's of meddow in y^e east meddow, twenty ac's of vpland of the 2^d deuission, and five ac's of vpland wthin y^e 2 mile, on y^e left hand of y^e way to y^e mill.

Samuel Ford, the sonn of Timothy Ford, aged aboute sixteene yeares, was called before y^e Court and charged that vpon a Saboth day this spring (being as he saith appointed by his father to looke after some cattell, and contrary to his fathers command) went to Geo. Smithes house, and there had almost strangled the sonn of George Smith, a child aboute five or six yeeres old, in y^e manner as followeth: a boy of Thomas Mullēners wth Geo. Smithes boy were fetching water for a lame cow, w^{ch} they drew vpon a board or sled wth a rope: Sam. Ford came to them and makes noose in the rope and cast it ouer both their heads, but Mullene's boy being the bigger got forth of it, but Georg Smithes boy was held fast in it, and Sam: Ford drew backward and y^e boy fell downe and the rope being drawne straight almost strangled him; his sister not being farr of, but wth her back towards them, heard her brother groane (for he could not cry out); she cryed out, wherevpon Sam. Ford left pulling and the rope slackenned, and then the boye cryed out: y^e marke or print of y^e rope vpon the boyes neck, George Smith now saith remained till the third day following: this is confirmed by Thom. Mullenner boy and Geo. Smithes sonn and daughter, w^{ch} though shee see not Sam. Ford put the rope aboute their neckes, yet when she looked she saw Sam Fords hand vpon the rope, and her brother downe, and she cryed out and Sam. Ford let goe, and then her bro^r could cry out. Sam Ford also confesseth he did, contrary to his fathers command, goe to Geo. Smithes house vpon that Saboth day, and helped the boyes to draw water, and that George Smithes boy fell downe, and y^e rope was aboute his necke, and that he might haue bine strangled, and that his sister pulled him out, and that a signe or marke was vpon his neck, but he saith he cannot owne that he pulled backward: /

Sam Ford was also complained of for vndutyfull, rebellious cariag to his mother, as was now testified by Goodwife Hodgkines, Timothy Ford and his wife being present, that one day she went of an arand to Jn^o Thomas his house, and Goodwife Ford was there: Sam. Ford came in and said to his mother, now you are got a gossiping together, is my dinner ready; his mother

said, you saucy boy, who speake you to; he replied to his mother, you get a gossiping together, and when my father and I come to dinner, wee cannot haue it. Goodwife Hodgkis told Goodwife Ford, that if this was her boy, if he was to big for her [168] to deale wth, she would haue him to the Gouvernor or the Marshall to be dealt wth. Goodwife Ford and Sam. were asked of this before Goodwife Hodgkins came, but they would not owne it; but now before Goodwife Hodgkins they both confess it, onely she remembers not these words aboute the Gouverno^r or Marshall, yet after she would haue denyed it againe, w^{ch} was vnsatisfying to the Court and standers by, and Sam. Ford said his father corrected him for it, yet before would not owne it, but Timothy Ford saith he remembers it not. Sam. Ford was further complained off for vnmannerly cariag to Robert Meaker; one day as the said Robert was driving a calfe, Sam. Ford would haue stopped it; he reprovued him & said he would tell his father, but he turned vp his breech & bid him kiss it:/ Hee was further complained of that he had, one fast day in March last, kindled some fires in the woods to burne some loggs. Timothy Ford saith he sent him and another boy of his that day to looke after his cattell, and it was cold and wet; he bid them make one fire for their comfort, but because they could not be both comfortably by one fire, therefore they made another. He was told he hath a house there, w^{ch} had bine more fitt to make a fire in for theire comfort, then abroad, it being a rainy day; he excused that and said the house was littered wth straw aboute calues, yet after some that knew how things were there said he had another house big enough to haue made a fire in for those two boyes, but his whole cariag was such as to haue excused the boyes in this matter; yet after a litle pause and some other discourse he confest he corrected his boye for makeing them fires on the fast day, wth w^{ch} the Court was much vnsatisfyed in Timothy Ford, that he should indeauor to lessen his boyes fault in such a cariage, yet himselfe judg it worthy of correction; and it is well if he did not countenanc them therein at first:/

The Court considered of the miscariages of Samuell Ford concerning Geo. Smithes boy, and that it was vpon the Saboth, wth his cariage to his mother, a high breach of the 5th Commandem^t, his vnmannerly words to Ro. Meaker, wth his prophane kindling those fires on the fast day, and did now by way of sentenc Order that

Samuell Ford be severly whipped publiquly, that he may take heed of such courses hereafter, and others also may be warned by this example: /

Mauge and Francis, two Indians, were called before the Court for being drunke last night, for w^{ch} they had bine in prison till now. They denyed not the thing & were asked where they had it: they said, some of Jeremia How, and some was brought from Milford by other Indians. Jeremiah How being present confessed they had a litle at his house, aboute 3 cupps, but not to distemper* them, but was told, they ought to haue had none wthout order; this was left to be further considered. But for y^e Indians, their imprisonment being looked vpon as part of their punishm^t, the Court further Ordered that Francis (who was most drunke, and had as y^e Court is informed made another Indian drunke at Guilford) paye fve shillings fine, Mauge being spared in that at this time, but both were charged to take heede of it hereafter, and told that if they be taken againe, they will not come off so easily: /

Thomas Mullenner was complained of for sending his servants (a boy and a maide) to gather oysters on the Saboth day, and as it is said brought some home in a wheelbarrow, w^{ch} he was told is verely offensive, and might be a stumbling block to y^e Indians; he confest the former, that he gaue them leaue to goe gather a few to eate, but denyes their bringing any home in a wheelbarrow, but this matter was left further to bee inquired into, and so referred till y^e next Court: /

[169] AT A GEN. COURT FOR NEWHAUEN, THE 21TH OF MAY, 1655.

M^r Gibbard and M^r Wakeman were chosen deputies for this Towne for the Gen. Courts for the Jurisdiction for the yeare ensuing, and were invested wth full power to act in all things according to the nature of that trust: /

M^r Wakeman, M^r Gibbard, Leiuennant Nash and Henry Lindon were chosen deputies for the particular Court of Newhauen for the yeere ensuing, and tooke the oath w^{ch} the Generall Court hath appointed to be administred in that case: /

* Disturb the temper or equilibrium.

M^r John Wakeman is chosen Treasurer for Newhauen for the yeere ensuing.

Francis Newman is chosen Secretary for Newhauen for y^e yeere ensuing.

Thomas Kimberly is chosen Marshall.

William DAVIS, John Coop^r, Henry Lindon, John Gibbs, William Tompson, Lieutenant Nash, and William Peck, were chosen Townsmen for the yeere ensuing; and it was now Ordered that hereafter the Townsmen shall be chosen by pap^{rs}, as other officers, wthout respect to them who haue served before: /

The viewers for fences for the yeere ensuing are: For M^r Eatons q^{rt} and all wthin that feild, William Gibbons and Francis Browne; for both the feilds from the Gouverno^{rs} lot toward the mill, M^r Gilbert and Nicolas Elsy; for Goodm. Judsons quarter and all in that feild, M^r Caffinch and Jeremiah How; for the oxepasture Richard Hull and John Winston; for M^r Goodyeaes quarter and all in that feild, Christopher Todd and James Eaton; for the feild next the sea, Henry Lindon and John Tompson. These are chosen for y^e yeere ensuing, and are to attend all Orders formerly made and still standing in force aboute viewing of fences, and vnder the same penalty: /

The Gouverno^r acquainted the Towne that there hath bine an offer made to M^r Winthrop of M^r Malbons house, if he would come and setle here, or if but for a time, he should haue it rent free, but he accepts of neither, but intends to come for a time and to hire the house and paye the rent himsel^e,* but men cannot be gott to repaire it, though they should be paide out of y^e rent: wherefore the Townsmen had now order to press men who are fitt, to doe y^e worke, if they cannot get them otherwise, and James Bishop one of y^e present inhabitants, is desired speedily to provide himsel^e, and to acquainte M^r Augar and his sister† wth the same, that the house may be empty and ready to receive M^r Winthrop when he cometh, and the Townsmen are desired to see it be done: /

The Gouverno^r acquainted the Towne that ther hath formerly bine motions made aboute setting vp a Colleg at Newhauen, and now againe it is reuiued, & in some respects this seemes to be a

* Compare letters of Mr. Davenport to Winthrop, July and November, 1655, in Bacon's *Historical Discourses*, 370-72.

† Mrs. Esther Coster.

season, some disturbanc being at p^rsent at the Colledg in y^e bay,* and it is now intended to be propounded to the Gen. Court; therefore this Towne may declare what they will doe by way of Incouragm^t for y^e same, and it would be well if they herein giue a good example to y^e other Townes in y^e Jurisdiction, being free in so good a worke. M^r Dauenport and M^r Hooke were both present vpon this occasion, and spake much to incourag the worke, after w^{ch} the men hereafter named were desired to goe to the seuerall planters in this Towne and take from them what they will freely giue to this worke: M^r Wakeman, Richard Miles, William DAVIS, William Pecke, John Coop^r & William Russell; William Fowler, for the farmes on y^e west side, Chesnutt hill & the plaines, David Atwater for y^e farmes on both sides of y^e east riuer, and Mathew Moulthrop for Stony riuer and South end. This worke they are to doe betwixt this & y^e 5th day of this weeke, and then at fve a clock at the Gouverno^{rs} present it to y^e Magistrats and Elders, who are now chosen a Committee to receiue the same and advise and act in this, aboute a house for the worke, or in what else they shall see necessary to further the same: /

[170] William DAVIS and John Gibbs were desired to speake wth Edwa. Perkins and see if they can agree wth him to sweepe chimnies for y^e Towne, & to let the Gouverno^r vnderstand what they haue done therein: /

It is Ordered that six ac^rs of land, w^{ch} lyes neere the mill in y^e Townes hand and out of any mans proprietie, shall be laid to the mill, for the vse of the miller from time to time for planting or otherwise for his conveniency: /

It is Ordered that to saue Thomas Nash his meddow from cattell, w^{ch} lyes in the Indians old planting feild, if they keepe vp the fence and make a pare of convenient barrs to take out in y^e high way, if any leaue them open, they shall be counted trespassers and be lyable to the fine, as for leauing open a gate or other fence: /

It is Ordered that the Court (the Gouvernor excepted) wth the deacons shall againe consider of and order the seating of people in the Meeting house, as they thinke fitt: /

* Referring probably to the circumstances which attended the change in the Presidency of Harvard College (from Dunster to Chauncy) in the fall of 1654.

The Townsmen were desired to agree wth some man or take some other course that y^e stinking pernicious weed called night-shad, w^{ch} growes so plentifully in some of the streets aboute the Towne, may be distroyed at a publike charge: /

AT A GEN. COURT HELD FOR NEWHAUEN, JUNE 18TH, 1655.

The Orders made the last Generall Court for y^e Jurisdiction were read to the Towne, and something then in debate about provision for the Gen. Court in a publike way out of y^e Jurisdiction Treasury was considered, but this Towne of New hauen saw no reason for it, but they are willing to maintaine their owne deputies, and that the Magistrats be maintayned at a publike charge: /

It is Ordered that when there is a plaine defect in any fence, such as there need be no dispute aboute it, if any man who is not a viewer giue y^e owner notice of it, he shall mend it, according to Order, and for neglect is to paye the fine, as if y^e viewer had warned him: /

It is Ordered that those men who haue an interest in y^e oxepasture shall meete wth the Townesmen, vpon the 4th day next, at 5 a clock to consider of a way, how the fence aboute it shall be finished, and also to appointe some men who may be viewers of that fence, & alow them such consideration for their paines as they shall see fitt: /

Those who were appointed to view and set out the line betwixt Newhauen and Milford (William DAVIS being now added) are desired to meete and consider what hath bine done and fitt themselves (if need be by another view) that they may vnderstand how the line will runn, vpon seuerall points, and when they are ready, to giue a weekes warning to Milford, who will meete them at time & place as they shall appointe, and then to set such bounds and markes, w^{ch} may be plaine & lasting, w^{ch} may stand vpon record that further questions aboute this matter may be prevented hereafter: /

Thomas Morris and Richard Hull had libertie to cut some timber, for their trade of makeing wheelles, on the east side in a swamp by y^e Cold spring neere Robert Martins meddow: /

The Townsmen informed that they had, as they were desired, agreed wth Tho. Wheeler, Senio^r, to destroy a hurtfull weed called Nightshade, y^t growes in y^e streets, and considered of an Order that that in mens yards may be destroyed also, & thought that 20^s should be pd for euerey roote they let grow to seed, but some objections being made against so great a fine, it was wthout any vote: /

[171] AT A COURT HELD AT NEWHAUEN THE 3D OF JULY, 1655.

The house and lott w^{ch} was M^r Westerhouses, wth what land now belongs to it, was by the Court of Magistrats held in February last ordered to be sould at an outcry to who would giue most for it, and was then bought by John Tompson for forty pounds five shillings, w^{ch} said house and land is now by this Court passed ouer to the said Jn^o Tompson: /

Edward Parker passeth ouer to Jn^o Potter, the sonn of John Potter deceased, that house, land and accommodations, w^{ch} was his fathers: /

John Jones was complained of for keeping more swine then the Order alowes him to doe, w^{ch} vpon examination was found to be seuen, and the same number he had last yeare more then his proportion, as the Court is now informed, w^{ch} he denyes not; therefore the Court might require the fine for each yeare, but they are willing to be fauourable to him, and therefore pass it wth five shillings a peece for this time, w^{ch} is 35^s; and seeing these swine wth some of Allen Balls are troublesome and breake the fences and doe damage to Math. Moulthrop and Jn^o Tuttill at farme, therefore they are to remoue them at their perill, that such hurt may be prevented, provided in case of damage to neighbours, for the number alowed to be kept, the fences be such as two viewers shall judg sufficient.

M^r Benjamin Linge hath sould (as appeares by a note vnder his hand) to John Jones his farme, houses and lott at Stony riuer, wth the lands belonging to it, viz^t: sixty eight ac^s of vpland (home lot included), and seuteene ac^s of meddow, wth all the commonadg belonging to y^e farme, all w^{ch} Jeruice Boykin, M^r Lings Attorney, now passeth to John Jones: /

Thomas Barnes passeth ouer to Edward Perkins his house and lott, w^{ch} was Stephen Metcalfes: /

Nicholas Bayly and his wife were called before the Court, and told that there are sundrie things, wherein they haue giuen offence, w^{ch} they must answer for: and first, sundrie passages taken in writing were read, w^{ch} being duely considered doth render them both, but especially the woman, very suspitious in poynt of witchcraft, but for matters of that nature the Court intends not to proceed at this time: but Goodwife Bayly was told there are other things wherein she hath grossly miscaried, w^{ch} may be reduced to three heads; impudent and notorious lying; endeauouring to make discord among neighbours; and filthy & vncleane speeches vttered by her: some instances were giuen in all these particulars; as, first, that she hauing gotten two pewter dishes of M^r Gilbert, w^{ch} he did spare her (though vnwillingly) to supply her necessitie, she told her neighbours M^r Gilbert had great store of them to sell, and more then he could quickly put aff, so they came to the Towne to M^r Gilbert to buy some of him, but he told them he had none to sell, and that Goody Bayly knew, for he denied himselfe to spare her them she had.

Another time she told Thomas Barnes that if he would mow a day for M^r Gilbert, he would pay him woole, w^{ch} was not true, though he promised 1^l of woole, but she saith she knew she spake not true, but she did it to git M^r Gilbert a dayes worke, beside seuerall other particulars: /

For her makeing differenc amonge neighbours, she one time came to Goodwife Merrimans, and said Thomas Barnes hath killed many duckes, and intimated that it was not kindly done that he gaue her none: Goodwife Merriman said, she looked for none; then she went to Goodwife Barnes, and intimated to her that Goodwife Merriman was troubled that her husband killed so many ducks and gaue her none, and the like carriage she vsed betwixt Goodman Barnes and some other of his neighbours aboute some porke w^{ch} Thom Barnes had killed: /

[172] And for her filthy corrupting words, one time Nicholas Bayly had a sow went to boare, and the said Nicholas his dogg beat away the boare and would act as copulating wth the sow. Jn^o Moss spake to Bayly to kill his dogg; he said he would, or geld him, but Baylies wife and Goodwife Barnes speaking of this, Baylies wife said, what would you haue the poore creature

doe, if he had not a bitch, he must haue some thing; and they speaking of George Larremore, a man who had (as was heard after he was gon) miscaried wth many persons in a filthy way, Baylies wife said alas, what would you haue the man doe, if his owne wife was weake, he must haue some body. Baylies wife was told that in these things she hath acted as one possessed wth the very deuill; who is a malicious, lying, vncleane spirit. She confessed the seuerall particulars now before the Court, as she had formerly done when she was examined at the Gouverno^rs in a private way, and for w^{ch} cariages the Court told them that they are not fitt to liue amonge such neighbours, and therefore the sentenc of the Court is, that betwixt this and the next Court they must consider of a way how to remoue themselues to some other place, or giue sufficient securitie to y^e Courts Satisfaction for their good behauiour, and paye the fine for lying, w^{ch} is tenn shillings; and if this be not performed, the Court must then proceed to some seueere, sharp correction, imprisonment or otherwise, as they shall see cause: /

The wife of Ralph Line was called befor the Court, and charged that she hath gon on in a tract of stealing and lying for a great while together, wth much Athiysticall impudent calling God to witness in things she knew to be false, and sundrie particulars were by Edwa. Camp instanced in; as the stealing a capp, a purse and pinn chusion from Hanah Fuller, some yeares agoe, w^{ch} at first she strongly denied, but after confessed them; after she stole sundrie things from him, y^e said Edwa. Camp, at seuerall times, as a porrenger, some vension out of his powdering tubb,* two hens & a cock, wth other things w^{ch} he thinkes she had, as pease, corne, butter; and one time vpon the saboth day she went home and opened his chest and tooke out some wampome, w^{ch} she strongly denied at first, as she did the other things, but after confessed them, and said she tooke but eightene pence in wampome w^{ch} she put in againe because she could not get the key out of y^e chest to lay it where she had it; she also stole a tray from Richard Newman, w^{ch} she stiffly denied sundrie times, and burned it that it might not be found, yet after confessed she stole it and had so made it away; some woole also from Rich. Spery, w^{ch} she stole and denied, but now confesseth she had it, and so the other

* A tub for salting or pickling meat.

things charged vpon her, w^{ch} she had peromtorily denied. Edward Camp further informed y^e Court that there are other miscariages, both to her husband and him very offensive; as one time she followed his boy into the woods and beat him, w^{ch} he told her of and she denyed it: another time she said to his boy, he was a lyar, and so were all the family, and they will be hanged for their lying. To her husband her cariage hath bine verey gross and vnsufferable: but one instance was giuen out of many; one time her husband and she differed, and she was offended wth him for correcting their sonn for some fault; she fell into a rage and called him very bad [173] names, and vp wth a stick and struck him on the head: his wife and he hearing a busling, ran to see what was the matter: he said his wife abused him so as neuer man was abused, not onely in words, calling him deuill, but in striking him also; Edwa. Camp spake to Goodwife Lines, will you neuer leaue these courses; she replyed he is a deuill, he is a deuill, two or three times, poynting to her husband, Goodman Camp is a man, but he is a deuill. Goody Lines confessed the thing is true, onely she remembers not that she repeated the word deuill so often.

The Court hauing considered these horrible miscariages, charged and by her confessed, did by way of sentenc Order that Goodwife Lines shall be seueerly corrected for the same, but considering she is wth child, they agree that execution be deferred till she may be deliuered and fitt to receive it, and that for the present she sitt one houre in the stockes, and that double restitution be made for the thefts cleerly proued, if it bee required; but if she proceeds in these abominable courses, the Court must consider what God calls for in such incorrigible wickedness: /

Thomas Mullenner was complained of for sending his seruants to the oyster bankes to gather oysters vpon the Saboth day, and it is said they brought some home in a wheele barrow, w^{ch} he denyes, but confesseth he sent them to eate some: he was also told it is obserued that hee, and his wife especially, doth not attend y^e Ordinances duely as they ought on y^e Saboth dayes: he made some excuses, not satisfying, but y^e Court told him that he and his family must better attend y^e Saboth, else they must take some other course concerning them; and for y^e matter of y^e wheelbarrow, it is left further to be inquired into: /

William Gibbs, at present a sojourn^r in M^r Gilberts family, was called before y^e Court and told that they heare he hath a wife in England; he said, yea; he was told he must then by the next opportunity repaire to her, else he will fall vnder the breach of the law in y^t case,* w^{ch} was now read to him, and he warned to attend it, the penalty whereof is twenty pound: /

AT A GEN. COURT HELD FOR NEWHAUEN, JULY 4TH, 1655.

The Gouverno^r informed y^e Towne that this meeting had not bine called but for furtheranc of the Colledg worke, a buisnes of much concernment for the good of posteritie, and there hath bine a comfortable experienc had of the readiness of this Towne to further the same. The other Townes in the Jurisdiction haue also contributed to it, and amongst them haue raised a somme of aboute two hundered and forty pound, w^{ch} the Committee haue considered and thinke that will buy a house and set it in repaire and fitt it for that imployment. Now there wants a yearly Aneuetie of sixty pound a yeare, that may be for the president and some other small occasions if it will reach it: therefore if this Towne thinks fitt, they may keepe back the sommes giuen in, and paye a fift part of it yearly, or if the Towne will, they may Order to paye sixty pound a yeare out of the Towne Treasury; but if any man or men dislike this way, they may paye in y^e somme promised, and not be rated toward that as other men, and the sommes so giuen in, wth what else may be added, beside what is allready promised, may bee improued to make vp what it shall fall short of sixty pound by reason of some mens wth drawing from that way of rateing. These things [174] were considered and much debated vpon, and those who will wth draw from this way of rateing are desired now to express themselues, and any other who are not here may haue the same libertie, if wth in eight dayes they giue in their names to the Secretarie; otherwise to stand to the rate as others doe and vpon the conditions and wth the provisions before mentioned; all present of the whole Towne in this case voted (the men whose names are in y^e margent

* See N. H. Colonial Records, ii, 600.

excepted as before) that sixty pound a yeare shall be pd to the vse of the Colledg to be set vp in this Towne, out of the Towne Treasury: and the Marshall was now Ordered to giue the Farmers notice of this Agreement, that they may also declare themselues, either to paye towards the sixty pound in the way of rateing, or paye in their proportions presently, and this wthin the time limited: /

Mr Powell
Mr Tuttill
Jer. Osborn
Jn^o Brocket
Tho. Nash
Tim. Ford
Jn^o Caffinch
Jn^o Gibbs

AT A COURT HELD AT NEWHAUEN THE 7TH OF AUGUST, 1655.

Nicholas Baylie and his wife were called and told that the Court expects to know how the sentence of the last Court concerning them is fullfilled; he said, they cannot tell whether to remove, and hath endeauoured to get securitie but can-not, but desired he might haue further time to remove; they asked, how long; he said, the Spring till the midle of Aprill next; w^{ch} the Court granted, vpon condition that he doe betwixt this and the next Court, or then at furthest, put in satisfying securitie to the valew of forty pound that he will remoue by that time, and that he giue his owne bond to the valew of fifty pound for his good behaiour in y^e. meane time, and that he attend euery monethly Court heare, that if his neighbours or others haue ought against him or his wife, they may heare and consider it and proceed further with him or her, as they shall see cause: /

Elizabeth Godman was called before the Court, and told that she lies vnder suspition for witchcraft, as she knowes, the grounds of which were examined in a former Court,* and by herselfe confessed to be just grounds of suspition, w^{ch} passages were now read, and to these some more are since added, w^{ch} are now to be declared: /

Mr Goodyear said that the last winter, vpon occasion of Gods afflicting hand vpon the plantation by sickness, the private meeting where of he is had appointed to set a day apart to seeke God: Elizabeth Godman desired she might be there; he told her she was vnder suspition, and it would be offensive; she said she had great need of it, for she was exercised wth many temptations, and

* See N. H. Colonial Records, ii, 29, 152.

saw strange apparitions, and lights aboute her bed, and strange sights w^{ch} affrighted her: some of his family said if she was affraide they would worke wth her in the day and lye wth her in the night, but she refused and was angry and said she would haue none to be wth her for she had her spirituall armour aboute her. She was asked the reason of this: she answered, she said so to M^r Goodyeare, but it was her fancy troubled her, and she would haue none lye wth her because her bed was weake: she was told that might haue been mended: then she said [175] she was not willing to haue any of them wth her, for if anything had fallen ill wth them they would haue said that she had bine the cause: /

Goodwife Thorpe informed the Court that concerning something aboute chickens she had formerly declared, w^{ch} was now read, after w^{ch} she one time had some speech wth M^{rs} Evance aboute this woman, and through the weakness of her faith she began to doubt that may be she would hurt her cowes, and that day one of her cowes fell sick in the heard, so as the keeper said he thought she would haue dyed, but at night when she came into the yard was well and continewd so, but would neuer giue milk nor bring calfe after that; therfore they bought another cow, that they might haue some breed, but that cast calfe also; after that they gott another, and she continewd well aboute a fortnight, but then began to pine away and would giue no milke and would sweat so as she would be all of a water wher-euer she lay, wthout or wthin; then she thought ther was some thing more then ordinary in it, and could not but thinke that she was bewitched; God helped her to examine herselfe, and to be humbled for her vnbeleife, and to seeke him twice or thrice to deliuer the beast, but vpon the day that John Knight was executed* (hauing more freedome than ordinary) she sought God earnestly to resist the euill spirit, and if the beast was ill by that meanes he would deliuer it, and presently the Lord answered and y^e beast was well and continewes so. Aboute a weeke after, she went by M^r Goodyeares, and there was Eliza: Godman pulling cherries in y^e streete; she said, how doth Goody Thorpe? I am behoulden to Goody Thorpe aboue all the weomen in the Towne: she would haue had me to the gallowes for a few chickens; and

* See N. H. Colonial Records, ii, 138.

gnashed and grinned wth her teeth in a strang manner, w^{ch} she confesseth was true, but owned nothing aboute y^e cowes: /

Other passages ther were aboute Goodwife Hodgkins churning and at M^r Samuell Eatons also, who after some discontent wth her or some thing spoke of her haue mett wth many hinderances in there way, and Goodwife Hodgkins said many times, but saith she cannot charge her wth it: /

M^r Goodyeare further declared that aboute three weekes agoe he had a verey great disturbance in his family in the night (Eliza: Godman hauing bine the day before much discontented because M^r Goodyeare warned her to provide her another place to liue in) his daughter Sellevant, Hanah Goodyeare, and Desire Lamberton* lying together in the chamber vnder Eliza: Godman; after they were in bed they heard her walke vp and downe and talke aloud, but could not tell what she said; then they heard her goe downe the staires and come vp againe; they fell asleepe, but were after awakened wth a great fumbling at the chamber dore, and something came into the chamber w^{ch} jumbled at the other end of the roome and aboute the trunke and amonge ther shooes and at the beds head; it came nearer the bed and Hanah was affraid and called father, but he heard not, w^{ch} made her more affraide: ther cloathes were pulled of their bed by something two or three times; they held and something pulled, w^{ch} frighted them so that Hanah Goodyeare called her father so loude as was thought might be heard to the meeting-house,† but the noise was heard to M^r Samuell Eatons by them that watched wth her:‡ so after a while M^r Goodyeare came and found them in a great fright: they lighted a candell and he went to Eliza: Godmans chamber and asked her why she disturbed the family; she said, no, she was scared also and thought the house had bine on fire, yet the next day she said [176] in the family that she knew nothing till M^r Goodyeare came vp, w^{ch} she saith is true she heard the noise but knew not the cause till M^r Goodyeare came; and being asked why she went downe staires after she was gon vp to bed, she said to light a candell to looke for two grapes

* The wife of Daniel Selevant and Desire Lamberton were children of Mrs. Goodyear by her first marriage.

† Mr. Goodyear's house was on Chapel street, near Temple.

‡ The wife of Mr. Eaton (son of the Governor) was then at the point of death.

she had lost in the flore and feared the mice would play wth them in the night and disturbe y^e family, w^{ch} reason in the Courts apprehension renders her more suspicious :/

Allen Ball informed the Court that one time Eliza : Godman came to his house and asked his wife for some butter-milke ; she refused, and bid her be gone, she cared not for her company : she replied, what, you will saue it for your piggs, but it will doe them no good ; and after this his piggs all but one dyed, one after another, but the cause he knowes not. . Another time she came into his yard : his wife asked what she came for ; she said to see her calfe : now they had a sucking calfe, w^{ch} they tyed in the lott to a great post that lay on y^e ground, and the calfe ran away wth that post as if it had bine a fether and ran amonge Indian corne and pulled vp two hills and stood still : after he tyed the calfe to a long heauy raile, as much as he could well lift, and one time she came into y^e yard and looked on the calfe and it set a running and drew the raile after it till it came to a fence and gaue a great cry in a lowing way and stood still ; and in y^e winter the calfe dyed, doe what he could, yet eate its meate well enough :/

Some other passages were spoken of aboute M^{ris} Yale, that one time there being some words betwixt them, wth w^{ch} Eliza : Godman was vnsatisfyed, the night following M^{ris} Yales things were throwne aboute the house in a strange manner ; and one time being at Goodman Thorpes, aboute weauing some cloth, in w^{ch} something discontented her, and that night they had a great noise in ther house, w^{ch} much affrighted them, but they know not what it was :/

These things being declared, the Court told Elizabeth Godman that they haue considered them, wth her former miscariages, and see cause to Order that she be committed to prison, ther to abide the Courts pleasure, but because the matter is of weight, and the crime whereof she is suspected capitall, therefore she is to answer it at the Court of Magistrats in October next :/

George Wood was called before the Court and told he is vnder suspition for stealing two siluer spoones from M^r Samuell Eaton. He denyed it and said he is cleere, whervpon it was testified that Mary Banister laid fiue siluer spoones vpon the shelve in the kitchen & a pap^r under them or vpon them, and none was in

the roome who were suspected but he, and he sat vpon the dresser, neere wher the spoones lay, and the pap^r that lay wth them fell downe while he satt there: Goodwife Ball asked what it was; he said a pap^r fell out of y^e window, and after as he went home wth Goodwife Ball (he liuing there) she heard twice something gingle in his pocket, not like a tobacco box, w^{ch} he said it was, but some other thing, but knew nothing of the spoones being lost then: yet notwthstanding, he againe denyed it. Hee was charged also that when he hath bine spoke to aboute these spoones (diuers thinking that he had them) and told that he might be whipped for them, he replied if he was whipped he would be the death of somebody, w^{ch} was testified by diuers and confessed by himselfe: he was told such words will not, nor ought to [177] be suffered. He was also charged wth lying and swearing, both w^{ch} were testified before him, and that further things are intimated against him, w^{ch} the Court forbears to mention till they may haue further prooffe. But for these proued and confessed (leauing the buisnes of the spoones till more light may appeare) they now Order that he paye for lying and swearing ten shillings for each time according to the law in that case, that is 20^s. And for his ill threatening words, that he giue securitie for his good behauiour, while he staye here, or else that he remaine no longer in this Towne: /

Some difference formerly in question in this Court in January 1653 betwixt M^r Malbone and M^r Atwater, was now againe called vpon, and Phillip Leeke produced by M^r Atwater, to cleere him and M^r Wakeman, who is mentioned by M^r Malbon in the case; and Phillip Leeke now declared that he deliuerd the wine in question, by M^r Malbons order, vpon the shipp Fellowships account, wthout any refferenc to M^r Atwater or M^r Wakeman, or any expectation of payement from them; and beside the account formerly showed he presented now to the Court his day booke, wherein it stands faire and cleere that it was so deliuered and y^e particulars to whom, in w^{ch} M^r Malbon himselfe is at least twice mentioned; and he is so cleare in it that he saith he can safely, and did now offer if it would satisfye, to cleere it vpon oath, but it was not taken, the Court rather chusing to defferr it till M^r Malbon may be acquainted there wth & further declare his mind therin: /

William Judson informed the Court that aboute a yeare agoe he was fined by this Court sixteene shillings for falling eight trees in the oxpasture wthout leaue, w^{ch} he acknowledgeth was orderly done by the Court, but he was mistaken, for he falled but six of them, and two of them six lye still in the streete, against his house, nor did he doe it out of contempt of y^e order, but out of ignoranc or at least forgetfullness of y^e Order, and desires y^e Court to consider it againe and show him what fauour they may. Vpon consideration of y^e case, the Court abated for the two trees not falled 4^s, and for the two trees in y^e streete that he bring them to the watch-house, or so much wood to burne, and then he be abated foure shillings for them also, and so paye but eight shillings for y^e foure he had. He propounded also for some abatement aboute swine he was fined then for, but the Court saw no reason for it, nor could he show them any that he himselfe could say ought to satisfy, wherfore he is to paye as it was then ordered: /

William Gibbs was againe called, and minded of the order aboute goeing to his wife, and told that he must not stay here; if he doe, the law will take hold of him: /

John Tompson passeth ouer to John Hodshon* the house he bought of y^e Court, w^{ch} was M^r Westerhouse, and the land w^{ch} belongs to it, and M^r Hodshon is to paye to y^e Court for y^e same forty pounds fīue shillings, as followeth; that is, twenty pounds in good merchantable beefe, at price currant, betwixt this and the midle of October next, ten pound in good merchantable porke, at price currant, and tenn pound fīue shillings in good merchantable wheat and pease, at price currant, betwixt this and the last of Nouember next: /

M^r Thomas Yale, by vertue of a letter of Atturney from Mr Thomas Pell now showed to y^e Court, passeth ouer to Allen Ball one hundred [178] eight ac^rs & a halfe of vpland, on the east side of y^e east riuier, w^{ch} was part of M^r Brusters second deuision, twenty one ac^rs & a halfe of meddow, on that side the riuier also, neere or against the said land, and seuen ac^{rs} of land in y^e neck, w^{ch} is all in the neck w^{ch} belonged to M^r Brewster lott: /

* Or Hudson.

AT A GEN. COURT, HELD FOR NEWHAUEN THE 8TH OF AUGUST, 1655

The Governo^r informed the Towne that the cause of this Meeting is to consider and take some course aboute swine and fences, that the Indian corne w^{ch} is planted may not be spoyled, w^{ch} as he understands by diuers that haue bine wth him is in great danger. Much debate ther was aboute this matter, and sundrie wayes were propounded, but in the issue it was concluded and by vote declared that an order made in the like case last yeare in July should be now in force, and so remaine till Indian corne be gotten in; and the names of men who haue swine now that haue haunted the quarters or places wher Indian corne is, were desired to be giuen in; and some was now named, as Henry Lindon, William DAVIS, Edwa: Camp, Ralph Loyne, Thom: Munson, Thomas Meekes, Jeremiah How; and any that knew of any other are desired to giue information. Also that the viewers of the fences doe their worke, exactly viewing them and takeing notice of y^e defects, and see they be mended sufficiently, or else require the fines, and if they refuse to paye them to take distress presently for the same according to order: /

Vpon the desire of Widdow Pecke (the whole Towne voteing in this case) she was abated forty shillings w^{ch} she is in debt to y^e Towne Treasury: /

M^r Wakeman, the Treasurer, acquainted the Towne that there is neede of a rate to be forthwth payde, to answer the Townes occasions in satisfying their part of y^e Jurisdiction rate, halfe of w^{ch} is due by the middle of this moneth, beside other disbursments: upon consideration whereof it was Ordered that one single rate be payde, the one halfe by the middle of this moneth, the other halfe in October next, in such paye and prises as is ordered by the Jurisdiction: /

AT A COURT HELD AT NEWHAUEN YE 4TH OF SEPTEMR 1655

John Budd, as appeares by a letter from him now read to y^e Court and by speech he had wth the Secretarie as is now said aboute two yeares since, passeth ouer to Ralph Loynes all his second deuission of land on the west side, w^{ch} is one hun-

dered and two acers, w^{ch} belonged to his owne lott, and eleuen ac^{rs} and three quarters that he bought of Richard Hull, the said Ralph promising that what rates were due before his vnkell gaue him this land, w^{ch} is aboue two yeeres agoe, he will see it discharged: /

Goodwife Camp, formerly Widdow Tompson, passeth ouer to Timothy Ford that house and lott & lands w^{ch} she bought of William Basset and was passed to her at a Court held at Newhaven, March 2^d, 1651; the particulers of w^{ch} lands and the bounds of them appeare in that alienation: /

[179] Nicholas Bayly and his wife were called before the Court, and she was told that she hath caused diuers of her neighbours to be warned, who are now here to attend; therefore if she haue ought to say and proue whereby she may cleere herselfe of those things charged, and by herselfe owned before y^e Court in July last, she hath now libertie to doe it. She spake sundrie things, wherein she did discouer a false lying spirit, turning & winding in her answers wthout respect to truth, but could not cleere herselfe in any thing, but the charges remaine as full and the suspicions of witchcraft as strong as before: wherefore the Court demanded of them if they had attended the last Courts Order, in getting securitie for their remouall the next spring; hee said he could not, but he would giue his owne bond that he would indeauour it, but cannot tell whether he shall attayne it or no; the Court told him that answer cannot satisfye, and therefore if he intend to giue no other, they must take some other course; w^{ch} vpon consideration y^e Court declared to them that they doe both wthout any further warning and at their perrill attend y^e Court of Magistrats to be held at Newhaven the third Wedensday in October next to answer to these miscariages; and that they also attend the next monethly Court here, the first Tuesday in October, that if any thing be further informed against them they may be present to answer, and the Court may also consider what they haue further to doe in the case, and that they doe not entertaine any suspitious persons at their house, w^{ch} the Court is informed they haue done: /

Elizabeth Godman was called and told that the Court haue considered her case according as things haue bine presented, and finde the suspicion of her lewd miscariages exceeding strong, for

w^{ch} she hath now bine a prisoner since the last Court, but considering her weakness and wth respect to her health, they doe now release her from y^e prison, but doe order that she wthout any further warning and at her perrill attend y^e Court of Magistrats the third Wedensday in October next to answer such things as shall be laid to her charge, and seeing Thomas Johnson is willing to receive her into his family, she hath libertie to remaine there, but must not goe vp & downe among neighbours to give offence, nor come to y^e contrebution* as she hath formerly done, and that she paye the Marshall for the charge and trouble he hath bine at with her, during y^e time of her imprisonment: /

The case of William Gibbs, mentioned y^e last Court, was considered of, and M^r Gilbert because of some vrgent occasions aboute his hey desired he might haue libertie to stay fourteene dayes longer to help him, and he did now before y^e Court ingage his estate to the valew of twenty pound, that William Gibbs shall be gone from this plantation wthin fourteene dayes from this time:

Concerning George Wood the Gouverno^r informed y^e Court that Allen Ball had bine wth him and saith that he hopes his cariag is much mended, and that he the said Allen Ball is willing to be bound in twenty pound for his good behaiour till y^e Court sees cause to release him. The Court now orders if Allen Ball come to y^e Secretarie and enter such a bond, it shall be accepted and stand good, as if it was done before the Court: /

AT A COURT HELD AT NEWHAUEN YE 2D OF OCTOBER, 1655

Nicholas Baylie appeared and was asked for his wife: he said, she is not well, nor his child, but shall attend when she is fitt; he was told the Court must not be put of wth slight excuses, but he may now propound what he hath to say: he said he is willing to giue his owne bond to remoue in y^e next Spring, by y^e midle of Aprill, w^{ch} the Court refused not to take, but perceiving that hee therby intended to be freed from attending the Court of Magistrats as he was ordered y^e last Court, was told it will not be

* The offering for the support of the ministry, made in a formal manner every Sunday by going up to the table before the pulpit.

granted, yet if he himselfe be out of Towne then for that end, to procure himselfe a place to remove to, he himselfe shall be freed from that attendanc, but his wife must appeare and hee [180] also if he be in Towne: yet this the Court granted to him, that if himselfe and wife doe remove their habitation before then, so as the Court may be no more troubled wth them, they shall be freed from attending there, but not else.

George Smith passeth ouer to Timothy Ford his house and home lot, on y^e west side of the west creeke, lying betwixt the house that was Mathew Camfeilds and that w^{ch} was William Ives his, and fīue ac^rs one quarter of land of the first deuission in the subuerbs quarter, w^{ch} he bought of Peter Browne, bounded wth y^e west lane on y^e north, Luke Atkinson on y^e east, & widow Potter on y^e west, also a peece of land of two ac^rs & a halfe or somewhat more, in y^e same quarter, bounded wth M^r Rotherford on y^e east and Mathias Hitchcock on the west: /

AT A COURT HELD AT NEWHAUEN THE 6TH OF NOUEMR 1655

M^r Joshua Atwater propounded that he had laid an attachm^t vpon some estate of M^r John Roberts, w^{ch} he desired the Court to issue, but the Court requiring him to prove his debt and show the cause of his so proceeding, he said he knew not of y^e Court when he came from home, and hath not his writings here; wherefore it was respited till the next Court

Samuell Hodgkins* was complained of because he doth not attend the publique ordinances vpon the Saboth dayes, nor attendeth the Order of y^e Towne in bringing his armes to doe service, as the rest of the squadron doth, but it is said staieth at home and sleepeth away his time. He made sundrie excuses, but all would not cleere him, wherefore he was now seriously warned to take heede of this disorder for hereafter; for if complaints goe on of this kinde, he will againe be warned to the Court and finde more sharpe proceeding then now he doth: /

John Potter had libertie to sell his house to Isack Beecher for ten pounds, provided that five pound of it be paid in a good thriuing cow for his brother Samuells vse, now before winter, or

* Or Hotchkiss.

at the next spring at furthest, and securitie giuen for it in y^e meane time:/

Richard Hubball desired of the Court some abatement, or at least some longer for-bearanc, of his fine of five pound laid vpon him for selling po^r to y^e Indians, and aleadged some loss he hath had in his cattell this yeare, whereby he is disabled now to pay. The Court told him that the fine is to the Jurisdiction, and that they expect the payement of it; yet in pittie to him, vpon the grounds he aleadgeth, they shall giue him time till the Court of Magistrats, in y^e latter end of May next, provided that he doe now ingage himselfe to attend that Court & the Order they shall then giue in this case, and he now promised that he would so doe:/

William Daus, Jn^o Wakefeild, and Jn^o Thomas were all warned to the Court, because their fenc was defective, though it seemes it is all now mended. Jn^o Wakefeild, whose defects are two, was here present; Jn^o Thomas spake wth some of the Court to excuse him, because he was faine to goe looke his coves w^{ch} were lost, but submitts to what the Court doth; but William Daus appeared not, and is to be warned to the next Court to answer it, when the Court will consider of all the cases in referrenc to their fence, and issue them together:/

The Court agreed that though the watch be at present omitted, yet the squadrons are to cary on the worke, vpon the Saboth and other dayes as before standing sentinell and walking the rounds, whilst the weather is comfortable to doe it in:/

[181] AT A GENERALL COURT HELD FOR NEWHAUEN, YE 12TH OF
NOUEMR, 1655

It is Ordered that when a Generall Court is called for this Towne, if any man can truely say that he knew not of it, either by warning from the Marshall or hearing the drum beate, or had notice of it from some of his neighbours, he shall be excused from the fine:/

The Orders made the last Generall Court were reade:/

Robert Seely and Robert Talmage propounded that they might haue libertie to buy or receive of gift from the Indians some of

their old planting feild. They were answered that if y^e Indians part wth that, it is like when they want land they will come to y^e Towne for more; wherfore no grant passed, yet they were told that if either of them would build a house and liue there, that travelers when they come to y^e ferry might haue some shelter for themselues or horses, something might be considered, but neither of them would promise that, so nothing was done in it at p^rsent.

A note was presented from M^r Rotherford, desiring that a bake house might be set vp in this towne, for biskit, &c; w^{ch} after some debate was propounded to Richard Miles, to consider of and vndertake if he can :/

The Towne was acquainted that there is a purpose that an Iron worke shall be set vp beyond the farmes at Stony riuer, w^{ch} is conceaued will be for a publique good, and M^r Good-yearre declared that M^r Winthrop & himselfe did intend to cary it on, only he desired now to know what the Towne desired in it. Much debate was aboute it, but no man ingaged in it at present, but diuers spake that they would giue some worke toward the makeing the damm, whose names and number of dayes worke were taken, w^{ch} amounted to aboute one hundered & forty dayes, and so it issued for that time :/

AT A GEN: COURT HELD FOR NEWHAUEN YE 29TH OF NOUEMR 1655

The Gouverno^r informed y^e Towne that this meeting was called to consider something further aboute the Iron workes. Sundrie who ingaged to worke last Court haue not yet performed, though others haue, and it was now concluded that those that are behinde should be called vpon to performe what they promised. It was also now desired that men will declare, who will ingage in the worke, and what estate they will put in; but few speaking to it, it was desired that those who are willing would meete at the Gouverno^rs this afternoone at two a clocke, to declare themselves therein, and it was now propounded whether the Towne will giue vp their right in y^e place, and what accommodations is necessary for the best conveniency of the said iron worke, & in this case all the Towne voted to giue a full libertie for y^e Iron-workes to

goe on & also for wood, water, Iron-ston, oare, shells for lime, or what else is necessary for that worke, vpon y^e Townes land, on that side of y^e great riuer, called the East riuer; prouided that no mans proprietie laid out or to be laid out be intrenched vpon, nor no planter prohibited from cutting wood or other conveniency vpon the said common in an orderly way, and that Brandford doe make the like grant, according to the proportion they haue in the worke, that future questions aboute this thing may be prevented: /

It is Ordered that another rate more then is allready granted shall be paid in to the Treasu^r betwixt this and y^e first of february next: /

The Order made aboute bitches and doggs that are complained of, made y^e 12th March last, is confirmed and to be put in execution, and that aboute doggs being museled, to stand in force till the first of May next, as it did last yeare: /

[182] AT A COURT HELD AT NEWHAUEN THE 4TH OF DECEMR, 1655

Andrew Low being desired by M^r Goodanhouse declared that one time as he was goeing to worke at Mathew Moulthrops farme, M^r Goodanhouse gaue him a note to cary to John Tompson at the farme, and M^r Goodanhouse read the note to him and in it was written from Phillip Carwithy, that he the said John Tompson should paye to M^r Goodanhouse thirty shillings w^{ch} he owed him, and meeting wth the said Phillip at New hauen at the Ordinary, he heard M^r Goodanhouse & he talkeing, and Carwithy said hee had paide Jn^o Charles and that M^r Goodanhouse should haue the thirty shillings of John Tompson: /

John Potter passeth ouer for himselfe and his brother Samuell to Isack Beecher the house and home lott and lands that was his fathers, except a small peece of meddow that is in Solatary Cove:

William Fowler passeth ouer to Edward Camp a peece of meddow lying in y^e vpper end of the west meddow, conteyning aboute six ac^{rs}, be it more or less, w^{ch} is compassed round wth the riuer and vpland: /

The Court ordered that M^r Goodanhouse shall receive of Widow Tompson thirty shillings, w^{ch} was a debt owing by her husband to Phillip Carwithy and by him turned ouer to M^r Good-

anhouse, the said M^r Goodanhouse now ingageing to beare her harmless from all others w^{ch} may demand and recouer the same: /

Thomas Blachly declared in an { Thomas Blachly, plant.
action of debt of fourteene pound ten { Greenfeild Larabee, def^{dt}
shillings w^{ch} is due by bill, for a horss he sold to John Hawkins of Boston, for whom M^r Larabee* became suertie, w^{ch} some was to be paide in beauour, as the bill will show, w^{ch} was now presented and read, wth M^r Larabees ingagment for the same, all w^{ch} was owned by the defendant, but he pleaded that the horss was not deliuered to him, as M^r Hawkins hath giuen order, and to make that appeare presented a bill from the said John Hawkins that the horss should be deliuered to M^r Larabee, w^{ch} wth his Rse should discharge him; but the bill had no date, and vpon examination it was found that this bill was lately written at y^e Manhatoes, and since the said Hawkins had ordered Thomas Blachly to cary the horss to Boston, and that he had indeauoured the same in the safest way he could, and the horss miscaried in the way. The said plant. further declared that before he caryed away y^e horss he did aboute the latter end of May last tell M^r Larabee he was to cary the horss to Boston, for he had so promised to doe, if God put no barr to hinder, yet if he would attach the horss for his securitie, he might he hoped it would excuse him from his promise. This discourse M^r Larabee now owned, but said he had no skill in law matters:

The plaintiff, to prove that M^r Hawkins gaue him order to cary y^e horss to Boston, tendered his owne and his wiues testimony vpon oath, w^{ch} are as followeth:

Thomas Blachly saith that when M^r Hawkins was at his house aboute y^e latter end of March last, he desired him to bring the horss if he could to Boston, so as he might be there y^e first weeke in June, or by the midle of that m^o: at furthest, for then he hath ingaged to be at home, and if he had not beauour to paye him, he should take such goods as any shop affords and should haue it at beauour price, and he would bestow forty shillings on him to make him welcom; and he told the said Hawkins that he knew not how his occasions would fall out, but if he could hee would bring the horss himselfe: /

[183] The wife of Thomas Blachly vpon oath affirmeth that M^r

* Of Saybrook, Connecticut; the plaintiff was of Branford.

Hawkins desired her husband to bring the horss to Boston, and said he had rather he should bring him then another, and that if he was not at home he would take order wth his wife, that he should haue his dyet a weeke or more, and as she vnderstood bestow forty shillings vpon him; this was in March last, and her husband said he would doe the best he could:/

M^r Larabee said that Thomas Blachly hath giuen order to prosecute this debt at Boston vpon M^r Hawkins estate: Tho Blachly answered he did send to M^r Sheafe aboute it, but had returne from him that he could doe nothing in it, but wished him rather to looke after it here:/

The sentenc of the Court is, that M^r Larabee, as suretie for John Hawkins, doe paye to Thomas Blachly fourteene pound ten shillings, according to the bill, or otherwise to his satisfaction; the said Thomas ingaging that if any damage come by any prosecution of this debt at Boston before this day, he will beare it.

AT A COURT HELD AT NEWHAUEN JANUARY FIRST 1655.

Thomas Wheeler, Senio^r, passeth ouer to Thomas Munson that house lot he bought of M^r Augar, lying next y^e lot of Christopher Todd, six ac^s of land or there aboute in M^r Dauenports q^{rt}, lying betwixt Joseph Nash and Francis Browne, and as much among the lotts toward the mill betwixt the land of Edward Watson & John Vincon and aboute 6 ac^s in y^e new feild toward y^e mill betwixt the land of Tho: Kimbrly and Tho: Morris and the meddow w^{ch} lyes at the end of it, w^{ch} is about three ac^s, and aboute 2 ac^s & a halfe of land in y^e Neck, and y^e commonadage w^{ch} belongeth to the said accommodations:/

Serjant Fowler informed the Court that the last weeke when he was viewing of armes he came to Sam: Hodgkins house, but found that he had no po^r: he said he had it at M^r Yales house, where he left it, conceiving it more safe there then in his owne, hauing much flax aboute his house, but he would bring it to his house and show it him; and the next morning brought a horne of po^r, w^{ch} he thought was his owne, w^{ch} for quantity he thought might answer y^e order, and was satisfyed; but after he heard it was none of his owne, but borrowed of another, w^{ch} either

did, or was to, show it for himselfe; w^{ch} thing Sam Hodgkins now owned to be true, and said he was sorry for it. The Court looked vpon it as a great miscariage, and to be witnessed against by a great fine, but considering his pouertie, confession, and promise of amendment, they pass it wth six shillings, w^{ch} he is to paye to the Towne: /

Edward Perkins for want of halfe a pound of po^r and a gunsticke, was fined three shillings, foure pence, and ordered to be speedily supplied.

Thomas Johnson was also complained of, for want of two pound of bullits and his gun lock, but is not now here, but must answer it next Court: /

M^r Yale informed the Court that he was fined six shillings for defective fenc (it was in August, 54) but there was a mistake, for there was but two defects charged vpon him in y^e note w^{ch} the viewers gaue to the Marshall, as the Marshall now testified; vpon w^{ch} consideration the Court tooke of foure shillings from y^e fine, and so he is to paye for the two defects two shillings: /

M^r Goodyeare did now ingage for, and promise to secure to the Jurisdiction fifty pound w^{ch} he hath in his hand of Elizabeth Godmans estate, w^{ch} she ingaged as securitie for her good behaiour the last Court of Magistrats: /

[184] AT A GEN. COURT FOR NEWHAUEN YE 28TH OF JANUARY,
1655.

The Gouverno^r acquainted the Towne that there are seuerall things w^{ch} occasioned this meeting, one whereof is aboute Oyster shell feild, how the Towne will haue it disposed of, the time it was let for before being now out. The Towne agreed to haue it let againe, and left it to y^e Townsmen to doe it, and to see that the fences belonging to it be deliuered vp, according to Order, by those that last hired it, and what they doe herein is by this Court confirmed: /

It was propounded that it might be considered how the ferryman might conveniently liue at the ferry-poynt. Jn^o Coop^r informed the Court that he hath had some speech wth Geo. Pardy, y^e ferry-man, aboute it, and he is willing to build himselfe a

house and liue there, if he had but a convenient way for his cattell to come to his house. The motion was well approved, and referred to y^e Townsmen, y^e whole consideration of the buisnes, whether a fenc may be runn vpon the banke-side to the Ferry-house, and so into the flatts there; and if they see cause, they may call any quarter togeth^r to consider how the fenc may be made, and issue it so as they thinke will be for the best good of the Towne: /

A proposition hath bine formerly made by William Andrewes to haue had some land on y^e Indian side, w^{ch} is part of the old Indian feild, and he would build a house and live there, w^{ch} might be convenient for strangers w^{ch} come to goe ouer the ferry and are now many times forced to stand long in the cold w^{thout} shelter. This was also left to the Townsmen, to treat wth William Andrewes and vnderstand his minde, and wth the Indians, vpon what termes they will part wth their land; also to consider where the house may be conveniently sett, and what other considerations falls in for y^e good of y^e Towne, & what agreem^t they make wth y^e Indians is to be made before the Magistrats, and they are after to acquainte the Towne wth what they haue done herein: /

Vpon Mathew Rows desier the Towne granted him libertie to be absent from y^e Mill, vpon the fourth day of each weeke, provided that when y^e Townes occasions require it, vpon notice thereof he is to attend constantly, w^{ch} he promised to doe: /

Serjant Jeffery was called vpon to take the oath as sealer of leather, but he desired libertie to consider of it till the next particular Court, w^{ch} was granted: /

It is Ordered by the whole Towne that while Widdow Bradly contineweth in y^e Towne, and is imployed as a midwife, wherin she hath bine verely helpfull, specially to y^e farmes, and doth not refuse when called to it, she shall haue a house and home lot, w^{ch} may be convenient for her, rent free: /

It is propounded by the subuerbs quarter, whether they might not w^{thout} offenc let some of ther land to y^e Indians to plant; but the Towne declared themselves that they thought it not convenient, and therefore gaue no libertie, either in that quarter or any other: /

It was propounded that there might be a common viewer of fences and pounder for cattell, for y^e whole Towne, and John Benham, Senio^r, was mentioned, who did not refuse it, but [185] desired time to consider of it till another meeting: /

John Hudson propounded that he might haue some consideration aloud him for a horss he lost, w^{ch} was taken vp for y^e Cuntry seruice, when the warr against the Duch was intended. It was referred to y^e Court and Townsmen to consider of and issue, as they see cause: /

The Deputies of y^e Court, the Deacons, and the Townsmen, are appointed a Committee to seat people in the meeting-house, and are desired to doe it as soone as may bee: /

It was propounded that one might be gotten to sweepe chimnies in the Towne; William Pringle* was named, and some were desired to speake to him to come to y^e Gouverno^r & speake wth him aboute it: /

The Towne was informed that ther is a black bull, two yeares old, taken vp as a stray at Jn^o Coop^rs, and three small shoates at Edwa: Perkins, and Jn^o Coop^r desired, if any knew of a black bull three yeares old, wth white vnder the flanke, that they would tell him of it: /

AT A COURT HELD AT NEW HAVEN YE 5TH OF FEBRUARY, 1655.

William Daus being warned to y^e Court in Nouemb^r last, aboute some fence of his w^{ch} was defective, appeared not, and was now called vpon to answer: he said he sent word to y^e viewer he would mend it, and therfore thought he need not appeare; but was told, if warning to the Court may be so slighted, who will appeare, and then to what purpose should the Court sitt? for his fence the Court saw cause to pass it by wthout any fine, but for his none appearanc he is to paye two shillings: /

Thomas Johnson was complained of for want of aboute 2^l of bullitts, and was asked y^e reason: he said he had otherwise disposed of them, for w^{ch} he is fined three shillings foure pence: /

* Or Prindle.

M^r Wakeman by Order from Thomas James passeth ouer to Thom: Johnson the house and home lot of y^e said Thom: James w^{ch} is ouer against M^r Wakemans lot: /

M^r Thomas Yale passeth ouer to William Bradly his house and lot* with all the accommodations thereto belonging, except his land in the necke, w^{ch} he sould before: /

John Benham, Senio^r, passeth ouer to his sonn Joseph Benham all the accommodations w^{ch} belonged to that lott w^{ch} was at first giuen him by the Towne, next y^e lot of Thomas Nash w^{ch} he lately sold to Robert Talmage: /

An Inventory of the estate of Richard Mansfeild, late of Newhauen, deceased, was presented, amount^s to 395^l: 01: 06^d, prised by Dauid Atwater, William Potter, and William Bradley, aboute the moneth of May, 1655, and by them now testified vpon oath to be a true apprisment, according to their best light; and Jellian[†] Mansfeild, the widdow of y^e deceased, now vpon oath declared that this a full and true inventorie of the said estate, according to her best knowledg, excepting some of his old cloathes, a satten capp, and vnder fiue shillings in siluer w^{ch} she had giuen away before the aprism^t: /

An Inuentorie of y^e estate of John Tompson, late of Newhauen, deceased, was presented amount^s to 229: 08: 04: prised by Richard Miles and Henry Lindon, and by them testified vpon oath to be a true apprisment, according to their best light, onely some iron things w^{ch} they had not scales to weigh [186] they might miss it in, but guessed so neere as they could; and Dorathy Tompson, the widdow of the deceased, now testified vpon oath that this is a full and true Inuentorie of y^e said estate, according to her best knowledg, excepting some-thing further to be cleered aboute a debt of three pound due to M^r Pell: / And vpon her desire, she had libbertie to administer and dispose of the said estate for the good of herselfe and children, according to y^e Lawes here established: /

* Yale was the younger step-son of Gov. Eaton, and uncle of Gov. Elihu Yale. His lot was on the southeast corner of York and Library streets. Bradley was step-son of the Widow Bradley mentioned at the last Court.

† Or Gillian, a corruption of Juliana.

Jeremiah How was complained of for selling strong water to two Indians, named Mauge and Tom; who were both drunk therewth, as they affirme; and drunke they were, as was seene by the Gouverno^r & many witnesses. Jeremiah How was told that his fault was much aggrauated in this (beside many other things), that he had warning of it publicly before, when this Indian Mauge was in Court, questioned for drunkenness in May last. Jer: How confessed he did breake y^e Order in selling them any wthout lycense, but much more to let them haue so much as halfe a pinte betwixt two; sundrie other things he confessed, w^{ch} he saw as euills in this cariage, and professed his sorrow for them; w^{ch} the Court was glad to see and heare and hope it will be a warning to him hereafter, yet considering his miscariage, and that it is a second time, after conuiction, they cannot pass it now as before wthout a fine, and therefore by way of sentenc declared that according to y^e Order in that case he paye as a fine to y^e Towne ten shillings: /

M^r Joshua Atwater desired the case depending betwixt M^r John Roberts & himselfe might be issued. He was required to proue his debt. He said he had a writting from him, but cannot at present finde it, but M^r Wakeman and M^r Powell can testifie to it; wherevpon they were called; M^r Powell said he could not speake to y^e case, only he helped to prise some cattell M^r Roberts had of M^r Atwater, and M^r Wakeman said he is Atturney for M^r Roberts, and therefore not meete to be a witness against him; so that nothing could be done now, onely M^r Atwater was told he may prepare his prooffe better against y^e next Court, and if M^r Wakeman & himselfe can vpon oath testifie to it, the Court may then consider whether they will not allow him to possess the estate, vpon securitie giuen by him that if just cause be after showne to the contrary, he shall repaye, as the Court shall Order: /

AT A GEN: COURT FOR NEWHAUEN YE IITH OF FEBRUARY, 1655.

The Townsmen informed that the West bridg growes old & rotten, and they haue had thoughts that it might be better to build a new on before this be quite downe; for as some worke-men haue said, it may saue neere twenty pound in it, because

it will be a considerable help in y^e worke. Some propounded that this wth mending might serue two or three yeare longer; but it was answered that it is so rotten, as there is danger in cattell and men goeing ouer, specially carts, and some haue said the charge of a new one will not be aboue ten pound more then to repaire the old one, if they doe it substantially. The Towne, to issue this matter, left it to y^e Townsmen to call workmen, viz^t: William Andrewes, Thom: Munson, Jeruice Boykin, and Geo: Smith, to view it againe; and as they haue information from them, they may either cause a new bridg to be builded, or repaire y^e old one, as they shall [187] thinke fitt; and what they doe herein the Towne hereby confirms, and desired them to see that this be at present so supported as danger to persons or cattell may be preuented: /

The Gouverno^r acquainted the Towne wth a letter he hath receiued from M^r Jones of Fairfeild, on the behalfe of one M^r Demmon* who liues there and hath of late suffered a great loss by fire, in a vessell, to y^e valew of aboute 200^l to his great impou-erishm^t, if not to his vtter vndoeing, vnless well affected persons be helpfull to him, and doth desire this Towne of Newhauen to be helpfull in his neede; w^{ch} letter being read, no man showed himselfe backward to the worke, and seuerall men were appointed to speake wth their neighbours in the seuerall quarters, and see what they would freely giue: viz^t, M^r Gilbert, Thomas Munson, for his owne and y^e next quarter: Robert Seely for his q^r^t and y^e subuerbs against it; M^r Wakeman, Daud Atwater, for the farmes on both sides the East riuer; Richard Miles, Thomas Morris, for y^e banke side; Thomas Kimberly, James Byshop, William Tompson, for that side of y^e Creeke: Mathew Moulthrop, for the farmes neere him and those at South-end; and Thomas Jeffery for the farmes on y^e west side, at Chesnut Hill, and y^e plaines; and this the Towne further declared, that what they giue, it shall not goe to paye debts, but towards y^e releife of his family, and to help to build another vessell as it is propounded: /

The Gouverno^r further acquainted the Towne that William Pringle, who was spoake of y^e last Court to sweepe chimnies for the Towne, had bine wth him and propounded some difficulty in the worke, but the manner of pay discourageth him much; but

* Thomas Dimon, or Dimond.

hoping that may be amended, he is willing to try another yeare, if the Towne will lend him forty shillings in corne, and let him haue a canvis frock and hood to couer his cloathes when he doth the worke; but now Peter Mallary from him declared that for the 40^s to be lent, he let it fall, so he may haue the frock propounded and his paye for his worke duely p^d him. The Towne now declared that if canuis can be gott he shall haue such a frock & hood, he promising that if he leaue the worke, to leaue the s^d garment to y^e Towne againe; and that men paye him downe for his labour, or otherwise to his content, but if not, vpon complainte the Court will see it remendied; and that all chimnies in the Towne be included, and none exempted from paye, though they sweepe y^m themselves, provided that he come wthin such times, winter & summer, as is expressed in an Order in y^e Towne Records, fo: 128:/*

Thomas Jeffery tooke oath, as he is viewer and sealer of leather that he will faithfully discharge that trust, according to his best skill, wth to the Order in that case here established: /

The Committee appointed to seat people in y^e meeting-house, acquainted y^e Towne wth what they had done therein, w^{ch} was read in Court and y^e notes left wth the Marshall, that people might come theither and know their seuerall seats, w^{ch} are as followeth:

The long seats in y^e midle for men:

1. The Gouverno^r; and the Deputie Gouverno^r.
2. M^r Newman, Magistrate.
3. M^r Wakeman; M^r Gibbard; John Gibbs; William Daus.
4. Will^m Judson; M^r Goodanhouse; M^r Mulloine;† John Nash.
5. Henry Lindon; Will^m Andrewes; Jn^o Coop^r; Rogg^r Allen; Will^m Tompson.
6. Thom. Munson; Sam Whithead: Will^m Potter: Math. Moulthrop; Jno Peakin: Jn^o Harriman; Christ. Todd.
7. Jno. Benham: Jeruic Boykin; Nic^o Elsy: Ro. Talmage; Jer. How; Jno. Tompson: James Byshop.
8. Jn^o Moss: Jn^o Brocket: Tho. Morris: Andrew Low: Tho. Wheeler: Rich. Miles, Jun^r.; Jn^o Tompson, Jun^r.

* N. H. Colonial Records, i, 212.

† Jacob Moline, or Melyen, a Dutchman.

9. Will^m Gibbons: Will^m Paine: Jn^o Winston: Edwa. Parker:
Edward Preston.

The Cross Seats at vpper end:

1. M^r Tuttill; M^r John Dauenport: William Fowler: M^r
Allerton, Senio^r.
 2. M^r Caffinch: Daud Atwater: M^r Rotherford: M^r Yale.
 3. Thomas Jeffery: Jn^o Ponderson: M^r Augar; M^r Daniell.
 4. William Peck: William Bradley: Thomas Mullenner.
 5. Jos. Nash: Will^m Russell: Jer. Osborn: Geo. Constable:
Rich. Gregson: Fran. Browne: Allen Ball: Thomas Johnson.
-

[188] In y^e little seat: M^r Bower: Thom. Kimberly.

In y^e seats on y^e stile on both sides the dore:

1. Thomas Powell: James Russell: John Hodshon: Joseph
Alsop.
 2. Richard Beckley: Henry Glouer: John Chidsey: Thom.
Meekes.
 3. Abraham Dowlitle: Mathias Hitchcock: Jn^o Jones: Thom.
Lamson.
 4. Geo. Smith: John Thomas: James Clarke: Geo. Pardy.
 5. Benj^a Willmott: Edwa. Hitchcock: Edwa. Pattyson: Robert
Hill.
 6. John Hall: Jn^o Wakefeild: Timothy Ford: Mathew Row.
 7. Nathaniell Merriman: John Tuttill: Thom. Barnes: Peter
Mallary.
 8. Will^m Basset: John Benham: Martin Tichennor: Phillip
Leeke.
 9. Edwa. Camp: Jn^o Johnson: Will^m Holt: Isack Whithead.
-

Against y^e Souldio^rs Seats:

1. Jn^o Sacket: James Eaton: Ralph Lines: Isack Beecher:
Abra. Kimberly.
 2. John Allen: Edwa. Perkins: Sam. Marsh: Joseph Benham.
 3. Henry Morrell: Sam. Hodgkins: William Blayden.
-

On the Bench before the litle seate: Henry Gibbons: Jn^o Vincent.

Before y^e Gouverno^rs seate: Rob. Seely: Rob. Johnson: Tho. Mitchell: Tho. Wheeler, Senio^r.

Before M^r Gilbert: Jer. Whitnell: Rich. Johnson: Ephraim Penington: Rich. Hull.

Before M^r Tuttils seat: Rob. Pigg: Will^m Thorp: Henry Bristow: Thom. Beament.

Before the pillar: Edward Watson.

The weomens
Seats.

The Longe Seates

The First as it was.

In the second M^{ris} Newman added.*

3. M^{ris} Goodanhouse: M^{ris} Gilbert: M^{ris} Miles: M^{ris} Wake-
man.

4. M^{ris} Gibbard: M^{ris} Tuttill: Goodwife Gibbs: Goodwife
Dauis.

5. Jn^o Nash his wife: M^{ris} Caffinch: M^{ris} Rotherford: Good-
wife Lindon: Da. Atwaters wife.

6. Goodwife Ponderson: M^{ris} Yale: Rob. Johnsons wife:
Goodwife Seely: Goodwife Todd: Goody Bradly.

7. Goodwife Camp: Goo. Osborne: Goo. Thompson: Goo.
Moulthrop: Goo. Potter: Will. Russells wife.

8. Goodw. Talmaig: Goodw. Parker: Goodw. Bishop: Goodw.
Wheeler: Goodw. Hitchcock: Goodw. Clarke.

9. Goodw. Wilmot, Sen: G. Willmot, Jun; Goodw. Brocket:
Goodw. Hall: Goodw. Paine.

* Reference is had to the seating of 1647, as given in N. H. Colonial Records, i, 303; the first seat is there assigned to "Old Mrs. Eaton"; the second to "Mrs. Malbon, Mrs. Grigson, Mrs. Davenport, Mrs. Hooke." In 1656 "old Mrs. Eaton," the Governor's mother, was dead; but the seat was apparently now appropriated to the Governor's wife, who was under sentence of excommunication in 1647.

Cross Seates

1. M^{ris} Allerton y^e elder: M^r Goodyeaes daughters.
2. M^{ris} Bower; Goodw. Fowler: Goodw. Jeffery.
3. Goodwife Preston, Senio^r: Will^m Pecks wife; Goodw. Kimberly, y^e elder.
4. Sam. Whitheads wife: Goodw. Benham y^e elder: Jer. Howes wife.
5. Widow Peck: Tho. Johnsons wife: Goodw. Ball: Goodw. Mitchell: Goody Hull: Goodw. Thorp; Goodw. Wakefeild.

In y^e short seat: Goodw. Nash y^e elder: Rogg^r Allens wife.

In the seat before them: Goodw. Pigg; Goodw. Browne.

In y^e side seates, all alonge:

1. M^{ris} Daniell: M^{ris} Mullenner: M^{ris} Powell: Goodw. Chidsy.
2. Goodw. Meekes: M^{ris} Hudson: Goodw. Pattyson: Goodw. Beckly.
3. Goodw. Moss: Goodw. Thomas: Goodw. Dowlittle: Goodw. Alsop.
4. Goodw. Basset: Goodw. Smith: Goodw. Gibbons: Goodw. Morris.
5. Goodw. Ford: Goodw. Row: Goodwife Winston: Goodw. Hill.
6. Goodw. Tichennor: Goodw. Leeke: Goodw. Pennington: Goodw. Pardy.
7. Goodw. Barnes: Goodw. Merriman: Jn^o Benhams wife: Edwa. Camps wife.
8. Goodw. Mallary: Goodw. Atkinson: Goodw. Marsh: Goodw. Hodgkins.

[189] Before M^{ris} Eatons Seate:

Goodw. Herriman: Goodw. Glouer: Goodw. Andrewes: James Russells wife.

Before the piller: Goodw. Loe: Goodw. Elsy.

Before Deacon Miles his seat: Goodw. Whitney:* Goodw. Watson: Goodw. Holbich.

* Whitnell.

Before M^{rs} Allertons seate: Goodw. Judson: Goodw. Mansfeild: Goodw. Cooper.

Permitted to sitt in y^e Ally (vpon their desire) for convenienc of Hearing: Goodwife Beecher y^e elder: Goodw. Munson: Goodw Boykin: Goodw. Beament: old Goodw. Johnson.

And it is now Agreed that (because there wants seats for some, and that the Allies are so filled wth blockes, stooles, and chaires, that it hinders a free passag) low benches shall be made at the ends of the seates, on both sides of the Allies, for young persons to sitt on: /

The consideration of a publique pounder was againe remembred, and was left wth the Townsmen to treat wth Jn^o Benham, or any other fitt man, and agree wth him, if they can, aboute it: /

It is Ordered that if any man shall fall a tree into the Mill river, or so as it shall come to the Mill, and doe damage in mill or damm, it is left to y^e particuler Court to consider the case and laye such fine as they shall see the case requires: /

It was propounded to know whether the Towne should paye for looking vp those horses w^{ch} were taken vp when they should haue gone forth against y^e Duch; and it was concluded that it is most meete y^e Towne should paye for it.

Whereas it was formerly Ordered that the time for burning y^e woods should be the 10th of March, now it is Ordered to be y^e first of March: and euery man before then is to secure what he hath in y^e woods w^{ch} may be in danger of burning: /

AT A COURT HELD AT NEWHAUEN MARCH 4TH 1655/56.

Owen Morgan, as appeares by a note vnder his hand (w^{ch} he did giue before the Secretarie) passeth ouer vnto Henry Morrell his house and home lott, w^{ch} he bought of Widdow Knowles, and what land of his is now belonging to it, but what that is he cannot tell, because some of the land and meddow was sould befor he bought it, vpon w^{ch} termes Hen. Morrell is willing to accept it; and so the Court passeth it at this time, onely Hen. Morrell was told there is some rates due, w^{ch} he must see discharged, as

he hath promised to doe, out of what he is to paye for the house; hee said he had paide all but two bushell of pease, and them he would paye; and M^r Goodyeare, hauing some estate of Owen Morgans in his hand, promised to paye the rest :/

Timothy Ford, on behalfe of himselfe, George Pardy, and Richard Johnson, entered an action against Allen Ball for three or foure cannooes, w^{ch} the said Allen lost of theirs, and seuerall witnesses were examined and sworne on both sides, but yet not so full to cleere the case, but sundrie questions yet remained; and the Court vnderstanding that the buisnes had bine heard by some arbytrators, to whom y^e Court would yet haue had y^m left it to be issued, but by reason of some offensive words vttered by Timothy Ford they refussed; they were now againe advised to indeauour a louing and peacable end betwixt themselues, or if ther was cause to get some frend wherin they both are satisfyed to help them; but if all this will not doe it, the Court will againe consider the case and giue sentenc therin; to w^{ch} motion they all inclined, and so no further proceeding was at this time :/

[190] The last will and testament of Daniell Selevant, late of New hauen (deceased at Vergenia) was presented, witnessed by Daniell Jackson, Grace Robins, and Grace Adweeke, and testified vpon oath before Obedience Robins,* the fourth of June, 1655: w^{ch} the Court accepts as good prooffe, if M^r Fitch of Hartford can testifie vpon oath that it was so proued, as M^r Goodyeare now informes he can.

Henry Glouer informed the Court that in August was 12 moneth he was fined for keeping foure swine more than he was allowed to doe by the Order; but there was a mistake in one of them, w^{ch} he desired might be abated, w^{ch} vpon consideration y^e Court did, and so he is to paye but for three:

The Court sat the first of Aprill; but no buisnes p^rsented, but some thing betwixt M^r Atwater and M^r Roberts, wherin nothing could be issued for want of cleere prooffe on M^r Atwaters pt, as it hath bine formerly;

* A magistrate, of Northampton County, Va.

And James Clarke declared that the differenc betwixt Tho. Mulliner & himselfe & wife, w^{ch} should haue come in Court, is now priuatly issued betwixt them: /

AT A COURT HELD AT NEWHAUEN YE 6TH OF MAY 1656.

Edward Parker declared to the Court that he had bine at Isack Beechers, and seene a cow w^{ch} he was to receiue for the vse of his wiues son, Samuell Potter, according to the Order of this Court in N^o last; w^{ch} cow the said Isacke doth desire to hire for his vse this yeare following, but the price of the cow is not agreed vpon, nor the rent for a yeare, if the Court see cause to let him haue her. The Court now Ordered that the cow be receiued and marked for y^e said Samuell Potter and prised by two indiffrent men, and that they allso agree vpon y^e rent of y^e cow for a yeare, the said Isack giuing securitie to paye the said rent and stand to all hazards of y^e cow, makeing her good to y^e said Sam. if she should miscary, according to y^e said apprisment; and Isack Beecher now chose Sam Whithead, on his behalfe, and Edwa. Parker was to chuse another man to him: /

Joshua Atwater passeth ouer to William Tuttill his house, home lot, & barne; 10 ac's of land in y^e first deuission in y^e Yorke-shire quarter, betwixt y^e land of Tho. Johnson and y^e land that was M^{rs} Constables; twenty eight ac's in the neck, and one peece of meddow, at the heither end of the east meddow, on this side the riuer, lying for fīue ac's, be it more or less, being bounded wth a ditch betwixt M^r Atwaters meddow & this on y^e north side, and y^e neck on y^e south; and forty ac's of vpland of the second deuission among the small lotts on the west side: /

Joshua Atwater passeth ouer to his brother Dauid Atwater thirty ac's of land of his second deuission, lying part aboute or neere the farme of y^e said Dauid, and parte among the small lotts on the West side: /

[191] Some buisnes depending betwixt M^r Atwater and M^r Jn^o Roberts was now much spoken to, but M^r Atwater not being prepared to make proof, and cleere his proceedings to the Courts satisfaction, now, as at other times heretofore, it was respited to the next Court: /

M^r Gilbert was complained of, because his man did not trayne y^e last Trayning day, but he showed such reason for it, as was to the Court satisfaction, so as they passed it wthout a fine:/

AT A GEN. COURT HELD FOR NEWHAUEN 19TH OF MAY 1656

M^r John Caffinch was admitted a free-man, & tooke the free-mans charge.

M^r Wakeman and M^r Gibbard were chosen deputies for the Jurisdiction Gener^{ll} Court for the yeare ensuing.

M^r Wakeman, M^r Gibbard, Leutennant Nash, & Ensigne Lindon were chosen deputies for the Towne Court of Newhauen, for the yeare ensuing:/

M^r Wakeman was chosen Treasurer, Francis Newman Secretary, and Thomas Kimberly Marshall, for the yeare ensuing:/

Henry Lindon, William DAVIS, John Gibbs, Sam. Whithead, Thomas Munson, William Bradley, and Jeruice Boykin, are chosen Townsmen for the yeare ensuing.

John Ponderson and Nickolas Elsy are chosen to view measures, and Will^m Peck and William Russell for weights—yards, ells, qrts, pints, steelyards, etc.

John Benham, Senio^r, and Henry Bristow are chosen packers for flesh, and tooke oath to attend righteousness therin, according to y^e order in y^t case, so farr as they haue light:/

Joseph Benham is appointed to beate y^e drumm for all publique meetings vpon Lords days and other occasions till y^e next Towne meeting, either vpon y^e topp of the meeting-house on y^e Saboth, or to obserue y^e winde & beat so that y^e whole Towne may heare:/

Veiwers of fences should haue bine chosen, but y^e Court was informed that the old viewers haue not done their worke the yeare past, but fences at this time lye verely bad and the corne in danger to be spoyled; therefore the old viewers are to continew their worke and see that fences be mended according to Order, or else that they present them that are defective the next Court, and then y^e next Towne meeting new view^rs may be chosen, or else one man, if he may be found, who is fitt and will vndertake to be a publique viewer for y^e whole Towne, and powder also:/

The Court is appointed to audit the Treasurers accounts for the two yeeres last past.

John Sacket, William Willmot, Edwa. Camp, and Ralph Loines were complained of because their cattell trouble the cow-herds, and was advised to take care that it may be no more so; and Jn^o Sacket was warned of a bull, w^{ch} is (as the Court is informed) wont to runn at some people, and to take care that he be securied, that hurt may not come thereby, for if it doe, after this warning, the blame will lye wholly vpon him: /

John Sacket also informed that he had made a pitt to catch woolues, & last haruest, when they looked not after it, a wolfe was catched in it, but so deuouered by flyes before they knew it, as the head was not fitt to bring to the Treasurer, and he refuseth to pay, yet he can proue that it was a wolfe, & desires that he may not lose all. The Towne agreed that if he can bring sufficient prooffe, w^{ch} the Treasurer accepts, he shall be alowed halfe, w^{ch} is ten shillings: /

[192] The Townes-men were desired to see that the Neck bridge be mended, & that the topp of the meeting-house be looked to, and y^e railes & post there securied from falling. They are also desired to take care that some man be imployed at the Townes charge to destroy all the stinking weed w^{ch} growes aboute the streets in the Towne, w^{ch} hath allready done some hurt among children.

The Gouverno^r desired the Towne to giue an answer concerning the buisnes left wth them in consideration aboute 3 weekes sinc, concerning Jamaica; that so the Gen. Court may be informed; and after much debate aboute it, Leiutennant John Nash spake what he conceiued to be the mind of the generallitie of the Towne, viz^t: that they conceive it is a worke of God, and that it should be encouraged, and if they see meete persons goe before them, that is, ingage in the designe to goe wth them or quickly after, fitt to carry on the worke of Christ in commonwealth and also in Church-affaires, they are free and will attend the prouidenc of God in it; provided that they here further encouragm^t, both of the healthfullnes of the place, and a prosperous going on of the warr, that other places thereabout be taken, wth what else Richard Miles may bring from Capt Martin: and that this was the Townes minde they all declared by vote: /

Vpon a Motion made by M^r Goodyeare and John Coop^r on behalfe of the Collier that comes to burne coale for the Ironworke, he had twelue ac^rs of land granted to him as his owne, if the Iron worke goe on, and hee stay three yeares in the worke; provided that all minneralls ther be reserued, and that he attend all y^e Orders of the Towne, for y^e p^rsent, and in disposing of the said land hereafter, if it shall so fall out. The place propounded for to haue it in, is vpon a peece of land lying betwixt the great pond and the beauour meddow, conteyning a hundred or two hundered ac^rs, aboute two miles from y^e Iron worke; against w^{ch} grant or place none objected so as to hinder y^e same: /

June the 3^d 1656 ther should haue bine a Court, but the Gen. Court hindred, but M^r Atwater being come desired the Court to meete and issue y^e buisnes betwixt M^r Roberts & himselfe, w^{ch} they did, the 5th June: but then M^r Wakeman, M^r Roberts Atturney, and M^r Atwater agreed to issue the matter betwixt themselves, so y^e Court past no sentenc in it: /

AT A GENRLL COURT HELD FOR NEWHAUEN THE 23TH JUNE 1656

M^r Caffinch is chosen Clarke of the trayne band for New haven.

The Orders made the last Gen. Court were read, wth what was done aboute Jamaica, and y^e letter sent to his highnes y^e Lord protector in answer to his: * against no man objected: /

The Court granted two rates to be paid this yeere, the one in October, y^e other in March, as y^e Gen. Court hath Ordered, and y^t the old rates bee gathered in speedily, or distresses taken for them: /

John Peakin is appointed to joyne wth Thom. Morris & William Russell in looking after and ordering y^e great gunns at water side.

It is Ordered that the stinking weede aboute the Gouverno^rs streete, † pound ‡ market place & other common places aboute the

* See N. H. Colonial Records, ii, 180. See also Calendar of State Papers, Colonial Series, i, 431.

† Governor Eaton lived on the north side of Elm street, near Orange.

‡ At the corner of Meadow and George streets.

Towne shall be cut vp & destroyed at the Townes charge, and in other parts of y^e Towne euery man shall cut vp & destroy all wthin 2 rod of their house lote fenc, wthin a weeke, vnder y^e penaltie of 5^s; and Richard Johnson is appointed for y^e Towne, who promiseth presently to goe aboute the worke: /

[193] AT A GENERALL COURT HELD FOR NEWHAUEN THE 23TH JULY, 1656

The Lawes printed in England* being now come ouer, were p^rsented to the Towne, and offered to bee read, but being now a buisie time, it was put off till another season: onely it was now declared that from this time the saide Lawes to be in force; and euery family in the Towne is Ordered that wthin a fortnight from this time they shall haue one of the said Law bookes from y^e Treasurer, and to paye twelue pence for it, in wheat or pease, vnder y^e penaltie of y^e price of the booke, and halfe so much more; and that euery man doe see that his booke be mended, according to some w^{ch} the Gou^r and Secret^y haue corrected according to y^e originall copie, w^{ch} may be done in a great measure at y^e Towne meeting when the booke is read: /

AT A GEN. COURT FOR NEWHAUEN THE 28TH OF JULY 1656

The Towne was acquainted wth seuerall Orders made by the Townes men, w^{ch} were now read and approued, and ordered to be entered as foll:

At a Meeting of y^e Townsmen, July 24th, 1656

First, viewers were chosen to view the fences; for M^r Eaton's quarter, Thos. Morris and William Holt; for y^e q^{rt} from y^e Gouverno^rs lot to y^e Millward, Samuell Whithead and William Paine; for Goodman Judsons quarter, William Thorpe and Edwa. Parker; for M^r Goodyears quarter, Abraham Dowlitle and Edwa. Perkins; for the subuerbs quarter, Thomas Lamson and Timothy Ford: /

They also considered what course should be taken to secure Indian corne in the feilds from spoyle; and (because of y^e pres-

* Reprinted at the end of vol. 2 of N. H. Colonial Records.

ent case) concluded, according to an Order made by the Towne in August last, that all hoggs y^t are found in any quarter where Indian corne is planted, vpon or after y^e 28th July next, while y^e Indian corne is in y^e feild, shall be kept vp by the owner; or if they goe abroad, then to be sufficiently yoaked; and if any such hoggs shall be found in y^e streets or quarters vnyoaked, to paye the like penaltie as then Ordered.

And, according to a former Towne Order, y^e viewers of fences are to view twice euery moneth, viz^d, y^e second and y^e last weeke in euery month, also after any great storme or strong winde, or when any information shall be giuen to y^m or either of them of defective fence; whereby there is or may come damage; and to see y^t all fences be kept vp to keepe out all cattell, as well for preseruing corne to be sowne, as that w^{ch} is yet on y^e ground.

And to preuent these inconueniences for y^e future, they conclude and thinke it best for y^e Towne that such a course be taken as was in y^e yeare 1652, viz: to chuse two generall viewers; and they conceive Jn^o Coop^r and Samuell Whitehead are men fitt for that worke, to view all fences aboute the seuerall quarters, and y^e viewrs of each q^{rt} to goe wth them vpon due warning, w^{ch} quarter viewers shall giue notice to all that ar interested in y^e quarter, that euery one that oweth fence either goe himselve, or send a sufficient man wth them when they view, that he may receive order [194] from them what he is to doe to his fence, vpon y^e same penaltie as was settled in y^e like case in October 1652; and these viewers truely to judg according to their best light, what fenc must be made new, and whose, what must be repaired, and how, and to take all such defects particularly in writing, and quickly after their first view to deliuer it to the Townsmen; and in case the generall viewers and those for the quarters can not agree in their apprehensions, then they are to doe as it was then Ordered:

These gen. viewrs are to make two viewes, the first in y^e beginning of October, the second y^e last weeke in March, and vpon their second view also to take in writing, what and whose fence is not either made new or not repaired, according to warning, and quickly after y^e view to deliuer the writing so taken to y^e Townsmen, and for the penaltie of any such defect they referre to

y^t Order before mentioned; and y^e two generall view^rs shall be allowed for their time and paines a just satisfaction: /

And findeing that there is a great defect in marking of fences, they doe also Order that all the quarter viewers doe forthwth see that euery mans fence be marked, by setting a bolt or good cleft by his fenc side, fast in y^e ground, on purpose for this vse, wth the owners of y^e fences name vpon it, either burnt or cut out, but so as it may be easily and plainly seene, and so distinct as y^e viewers may know where euery mans fence begins and ends; and he y^t shall be faultie therein to be vnder y^e same penaltie as y^e Towne Ordered in y^e case, and y^e viewers from time to time to bring in any defects in markes as well as in fences: /

They also Order that y^e pound should be repaired, and lockes provided for them, and a pound keeper chosen, & propound Edwa. Watson: /

Henry Morrell propounded to them for some small inlargm^t to his house lot out of Oystershell feild, w^{ch} was viewed & granted him; at y^e reare of his home lot, y^e bredth of it, a litle vp y^e hill to y^e land let & plowed: /

They sent to M^r Hooke, to desire him on y^e Townes behalfe, that if he sould his house y^e Towne might haue y^e refusall of it: / *

Edward Watson is now chosen pound keeper for a yeare, and to attend the Orders made in that case: /

The two generall viewers, Jn^o Cooper and Samuell Whithead, and the particuler viewers for y^e seuerall quarters in this case wherein they joyne in y^e generall viewe, tooke oath to be faithfull in this trust committed to them, so farr as their light goes, according to y^e Orders in that case provided: /

John Benham, Senio^r, being lame in his arme and hauing lost one of his thumbs, was vpon his desire freed from trayning: /

Francis Browne, who is troubled wth the tisick, and many times vnfit for that seruice, was so farr freed that when by that meanes he is hindered the fine shall not be required; he promising now that, when God inables him, he will attend it.

* Rev. William Hooke returned to England in 1656.

[195] Edward Parker propounded for a peece of M^{rs} Eldreds home lot, w^{ch} is so much as his owne is wide, cross that lot, and he would make and maintayne the fence aboute it, and free the towne while it is in their hand. The Court referred it to the Townsmen, to view and consider, and if they see cause to grant it: /

Also, the prouiding of furniture for Horsses for troopers, according to y^e Gen. Courts Order,* and what the Military company wants, is left to the Townsmen to consider, and to speake wth the Treasurer, and take a course they may be sent for from y^e Bay, where it is said they may be had: /

It was propounded to know what the Towne will doe wth the oxe pasture, seeing the time is now out it was disposed of for; some debate was aboute it, but nothing concluded on at present: /

AT A COURT HELD AT NEW HAUEN THE 5TH OF AUGUST, 1656.

Robert Clarke, seruant to Allen Ball, was called and complained of for stealing one of the Townes halfe pikes, viz^t., the last trayning day before winter, before the Company were fully dissolved, and against y^e deswasion of some, who told him it would be offensive if he tooke it, but it lying neere the greate gunns, he tooke it and carried it away and said he would bring it againe, but he caried it home, and when his Master saw it, he told him it was the Townes and he must cary it againe, yet he went and hid it, and this last spring or since cuts it, and caries part of it to y^e smith to make a forke of; Rogger Allen told him it was one of the Townes pikes; he denied it, and said his Master made some at the sheepe pen last yeare; some others being by, and Jn^o Wakefeild in particuler, said it was not of his Masters makeing, for it was shot† wth a plaine, w^{ch} his Master could not doe. Robert Clarke was wished to speake for himselfe, who did freely acknowledg that what is charged is true, and it is his great sinn, and he is sorey for it. The Court told him here is stealing, lying, disobedienc to his Master, and this persisted in for neere three quarters of a yeare together, w^{ch} he denied not:

* N. H. Colonial Records, ii, 173.

† Accurately squared.

Wherefore the Court by way of sentenc declared that Robert Clarke make restitution, that is, give the Towne two halfe pikes for this one, and that he pay for lying according to y^e Order, w^{ch} is tenn shillings, and that the next trayning-day, or the next but one at furthest, he bring y^e said two halfe pikes to the Company, and before them make a publique acknowledgm^t of his miscariage to their satisfaction; and if this sentenc be not fullfilled, he must come to y^e Court againe, who will further consider y^e matter; and Allen, his master, now ingaged to y^e Court that the sentenc shall be fullfilled according to the Courts Order: /

John Caffinch hath sould and now paseth ouer unto James Clarke tenn ac^rs of land of y^e first deuission wth in y^e 2 mile, and twenty-two ac^rs of the 3^d deuission, and foureteene ac^rs & halfe a quarter of meddow lying in y^e east meddow, w^{ch} is y^e halfe of 29 ac^rs & a quarter that was betwixt his bro. Sam. & he, w^{ch} is to be yearly exchanged, as it was when they had it together, and a peece of vpland lying against the meddow, aboute eight rod wide & running to y^e Mill river, and halfe the land in y^e ox-pasture, & halfe that on y^e west side, w^{ch} was betwixt his bro. & he, & is all M^r Caffinches part: /

[196] James Clarke hath sould and now paseth ouer unto Edward Church ten ac^rs of land of the first deuission wth in y^e two mile, lying in y^e quarter called Goodman Judson quarter, and two & twenty ac^rs of y^e 3^d deuission, w^{ch} was now passed to him by M^r Caffinch, and halfe his land in y^e ox-pasture, & halfe that on the west side: /

Henry Morrell and his wife were called, and told that their children are complained of for disorderly walking, viz: that on the Saboth day, when others are gone to the meeting, they haue come to Goodman Peakins house seuerall times (foure times, as one of the children say), and stole apples, or beat them downe from the trees, and eggs; and that the said children are not nurtured and brought vp as children ought to be; they are not taught to read as the Order injoyns, nor doe they come to the publique ordinances on y^e Lords day, w^{ch} things neither may nor will be borne; w^{ch} miscariages they could not deny. Vpon this occasion, and also hearing of a siluer spoone in the house, the Marshall was sent to search, and found a siluer spoone in a box, and they being examined said they bought it of an Indian; at

first he said for foure pence, after his wife and he said for twelue pence; at first they said they bought it, after they said it was left in paune for twelue penc, and y^e Indian would quickly fetch it againe; and in sundrie other things they were found contrary on to another, being examined apart aboute the buisnes; as aboute the time of y^e day they bought it, one said at noone before dinner, the other toward night an houre or two before sunnset; one said Henry Morrell was in y^e house before y^e Indian came, the other said that she called him in vpon that occasion; and such like things, w^{ch} made the Court thinke they had it of no Indian, but that they or one of them stole it themselves. They were asked what Indian it was; they said they could not tell, but the Indian said he had it at Milford. They were told they might well thinke it were stole, w^{ch} they denied not, but said it was their fault to receiue it: /

M^r Goodyear said that his wife and some other of his family said the spoone was his, and they conceive stolen out of his house by Goodwife Morrell, who aboute three quarters of a yeare agoe had a sore hand, and came to M^{rs} Goodyear euery day for some weekes to have it healed; but she denyed it. They were told the stolen goods is found with them, and till they bring the Indian of whom they say they had it, they must be looked vpon as guilty and dealt wth accordingly, and therefore the Court by way of sentence declared that the spoone being valewed at eight shillings, double restitution must be made by him for it, and that he be committed till it be done, and if not at all then that they be corporally punished by whipping. And for the chilldrens miscariages, if they haue not bine [197] allready corrected for it, the Marshall is to see that such correction as is fitt be giuen to them, and that he giue securitie for himselfe, wife, and children, that they behaue themselves well and righteously amonge their neighbours, that his children attend the meetings of y^e Lords day, and be taught to reade, and so nurtured as is fitt, else they judg him not fitt to liue in the Plantation, but must be sent away: /

William Daus informed y^e Court that aboute three yeares agoe he let M^r Jno Roberts haue here at New hauen twenty pound for w^{ch} he was to paye him twenty pound in England, as did appeare by a bill vnder M^r Roberts his owne hand, a copie where of was

now p^rsent and read to the Court, wth money hath not bine paide, and he hath suffered much by the disappointment; therefore he demands the said twenty pound out of M^r Roberts his estate here, that is in the hand of M^r Wakeman, wth such dammage and consideration for forbearanc as the Court thinkes fitt: /

M^r Wakeman, M^r Roberts Attorney, could not but acknowledg the said debte was due and that it should be paide, but said he saw no reason he should haue any forbearanc, seeing he attached y^e said somme, now aboute two yeares sinc, and quickly after he vnderstood it was not paid in England, and might haue had it heare then if he would, but refused hoping it might yet be paid in England: /

William Daus was asked, what dammage he requires, and was told that if it appeare it be paide in England, and he recouer it here, he must be lyable to make it good, wth what dammage shall be proved against him, wth he owned and promised to doe, but for the damage he hath susteyned by his none-payment, it is more then he shall demand, but he leaues it to the Court: /

The Court, vpon inquirie how the cattell William Daus paide were prised, vnderstood they were prised below y^e ordinarie price, in refferrenc to paye in England, by Henry Lindon and Thomas Powell, as they now affirmed; and for allmost halfe of it, it was paide to M^r Roberts himselfe in other paye to his satisfaction, before he went away.

Wherefore the Court now Ordered that William Daus haue twenty pound paid to him out of M^r Roberts estate here, wth fiftie shillings for damage or forbearanc, considering y^e time he was wthout it before the attachment was laid; and what of it shall be paid in cattell, shall be againe prised by Henry Lindon and Thomas Powell, as much below the ordinary price now as they were below y^e market then, all things being duely considered: /

AT A COURT HELD AT NEWHAUEN YE 7TH OF YE 8TH MO 1656

John Brookes was called before the Court, and charged wth being drunke aboute two monethes agoe, wth thing he confessed and said he desired y^e Court to pass it by and he hoped it should

be a warning to him, but was told that could not be, for it was offensive to many that behelde it, and therefore according to the law in that case he must paye tenn shillings: /

An Inuentry of the estate of Humphery Spinage, Senio^r, late of Newhauen deceased, was p^rsented to y^e Court, prised the 29th of y^e 7th m^o, 1656, by Richard Myles, William Peck, and Henry Rotherford, amount^s to 208^l, 18^s, 02^d, beside 7^l, 10^s, in desperate debts, and a house at Oyster Bay not prised, y^e proofof of w^{ch} is refered to another time, because all parties [198] were not now present: but was done the 6th, 11th m^o following.

A will also of the said Humphery Spinage was presented and read, made the 20th of the 4th m^o 1649, subscribed by his owne hand, and witnessed by John Meggs, and the 3^d of this instant John Meggs testified vpon oath before the Deputies at Guilford that this is the last will and testam^t of the said Humpherey Spinage, deceased, so farr as he knowes, but yet the Court looked vpon the will as defective and not fully declaring the minde of the testator, but yet by it and by what light they haue from others (w^{ch} is hereafter expressed) they did, wth free consent of all parties present concerned therin (viz^t: Mary Spinage, his owne daughter, Lettice, his former wiues daughter, and Humphery Spinage, his kinsman, Edward his sonn in law being in England), dispose of the estate thus: that the whole be deuided in to five equall parts, whereof Mary his owne daughter to haue two, and the other three, viz^t: Lettic, Edwa, & Humphery, to haue each an equall share; wth w^{ch} deuission they all p^rsent expressed themselues fully satisfied, and for the more equall deuideing of the estate betwixt them, some things being of better esteeme then others, they now chose Deacon Myles and M^r Rotherford, wth the help of M^{ris} Wakeman, and M^{ris} Rotherford, and for Edwards part Humphery was desired to take care of it, and vpon securitie giuen to improue it for Edwards advantage as well as he can, and that he doe wth the first opportunitie give him notice that there is such an estate here for him; and for the house at Oyster-bay, when it shall be sould, it shall be deuided according to this proportion: /

Lawranc Ward of Brandford testifyeth vpon oath that he being acquainted wth M^r Spinag in England and wth his former wife and frends, when they came to New-England they desired

him to take care of the children w^{ch} she then had, w^{ch} she renewed when she laye vpon her death-bed at Delaware-bay, and he hath heard her say, & him also, that the estate he had wth her, after other legacyes were p^d, was aboute two hundered pound, and for Humphery he knowes that he tooke him from his father (being a child) whom he knew, and promised to deale wth him as wth a child, and so farr as he knowes Humphery hath caried it well towarde his vnkell, and at Delaware was willing to help to beare his straights & difficulties wth him: /

Richard Myles, Senio^r, saith that he hath heard M^r Spinage say y^t he would deale wth his kinsman Humphery as wth a child and old Goodman Rice of Stratford (whose sonn is now to marrie Mary Spinage) said that he had heard M^r Spinage say so also, and the same testifyeth M^{ris} Rotherford and Goodwife Elsy, as it was given in in writing from them: /

[199] AT A COURT HELD AT NEW HAVEN, YE 2D, 10TH MO, 1656

Thomas Moris declared that Goodman Pigg, being Cow-keeper, gaue seasonable warning to William Gibbons and William Holt to keepe cowes vpon a Saboth day, aboute the latter end of August last; and they wthout any order put them in the new feild, neere the mill, where the heard had never bine, nor was it prudenc for any to put a heard of cattell there, it being but a small feild and eaten bare wth cattell before, and the heard had bine kept a fortnight before in the woods; but hauing put them there they came away and left them till night and then William Holt went to fetch them home, but a cow of his and another of Mathew Rowes were found dead, w^{ch} they conceive might haue bine prevented had the keepers faithfully attended the trust committed to them, for it was don in all probabilitie by the cattell hurrying downe in to y^e salt meddows, to w^{ch} is but a narrow passage, and so it is like some other cattell threw them downe, and none being there to help them could not recouer themselues. And Math. Row said y^e same: /

William Gibbons answered that he was to keepe but one third part of the day, and William Holt the other two parts (and so Goodman Pigg now said he warned them to doe) and he thought

that he had done sufficient for his part before they came home; and they did no more then usually men doe vpon the Saboth day, and some time vpon other dayes, when cattell goe in quarters.

The plant. replied that he was not to haue put them there, nor had the heard euer bine there, but they should haue bine kept in the woods: /

William Holt said it is true that they did agree to put them in this feild, and there left them, and he promised William Gibbons to fetch them home at night, and looked vpon William Gibbons as free after they had put them in; but being asked how he looked vpon him as free, he said from further labour in fetching y^m home at night, but not from any hazard or damage, for they thought of none: /

The plaintiffs were asked if they had any witness to cleere the case. They said ther is none can speak fully how the coves came by their death, but there is some that saw them that night and the next morning, w^{ch} may giue some light to the Court. Whereupon John Cooper, William Bradley, and James Bishop spake; Edwa. Perkins also who flayed the coves; and the substanc of what they said was that they saw the coves being dead, the one vpon the Saboth day at night, the other the next morning, and as they conceive they lay at no disadvantage to rise, but the passage being straight & narrow into y^e meddow, hills on both sides, and onely a cart way made downe y^e hill, the heard hurrying alonge, they thinke some other cattell threw these coves downe and so they came by their death, and they had appearanc as if some other cattell had pushed them, and James Bishop said he thought the rimm* of Mathew Rowes cove was broke. Inquirie was made what the valew of these coves were, and whether any thing was made of [200] them being dead: they said nothing was saued of them but the hides, w^{ch} were eight shillings Thomas Morris his, and nine shillings Mathew Rowes, and by the best information the Court could haue Thomas Morris his cow was worth foure pound, and Mathew Rowes foure pound tenn shillings: /

The Court, hauing considered of the seuerall things propounded, declared that there was certainly a great errour in these keepers to put y^e heard into such a feild wthout consent, the heard

* The rim of the belly; the peritoneum.

not hauing gone there before, and the place eaten bare, and so a great temptation to draw them into the meddowes w^{ch} was in all likelihood the occasion of the death of y^e cowes, yet had they attended them as their duty was to haue done, it is probable it might haue bine preuented; and therfore, according to y^e best light they can haue, they doe by sentenc Order that, the valew of y^e hides being deducted, William Gibbons and William Holt shall pay Thomas Morris and Mathew Row for their cōwes, according to the former vallewation, for they both agreed to leaue them there wthout looking after them, and that of this William Gibbons paye one third part, and William Holt the other two thirds, according to w^{ch} proportion they were to haue kept them: /

AT A GEN: COURT FOR NEWHAUEN YE 4TH OF YE IOTH MO, 1656.

The Gouverno^r acquainted the Towne that there is an Order of the Generall Court (w^{ch} hath bine published) that this Towne should prouide six horses, wth furniture, towards the raising of a small troope for publique seruice, and that there is furniture for foure horses at Milford, in y^e hand of Ensigne Bryan, reserued for this Towne, if they please to haue them, the price of w^{ch} is eight pounds for the furniture of each horse, w^{ch} Serjant Munson being sent by the Townesmen hath viewed and approved of, for the sufficiency of them (as he now declared); therfore the question is, what the Towne will doe in it. Much debate were aboute it, they being looked vpon as exceeding deare; but yet, considering the Order of y^e Court, and y^e use there may be of them, not knowing how to prouide speedily else'where, it was voted that they should be bought at that price, if they can be had no cheaper; and the Townsmen are desired to treat wth Ensigne Bryan aboute it, and also to prouide furniture for two horses more, w^{ch} they hope may be done in y^e Towne, Thomas Mullenner hauing one w^{ch} they understand is ready fitted and willing to be improved that way, and to consider what else may be necessary to further this worke, and it was desired now that any man who is free to keepe a horse for this seruice would de-[201]clare themselues; wherevpon John Coop^r, Mathew Moul-

throp, Richard Miles, Thomas Munson, William Pecke & William Bradley s^d they were willing for one yeare for a tryall; and Thomas Mullenner was also nominated to attend this seruice, and any other who is willing may give in their names to y^e Townesmen, who will consider the fitness of them and their horses for y^e worke; likewise twelue doggs were to be prouided, w^{ch} were thought to be in y^e Towne allready till better could be prouided, and were in y^e hands of seuerall men now named in y^e margent, and Edwa. Parker was desired to doe the best he can to get some mastive whelpes from Stratford or Long Island, where they here is some.

The Order aboute bitches and doggs, made March 12th, 1654, is confirmed & to be put in execution as last yeare: /

The next second day is appointed to veiw weights and measures at the meeting house at nine a clock in y^e forenoone, and euery one is to send, according to Order. /

The Townsmen informed that they heare there is great disorder in cutting wood in the ox-pasture, and that some doe take vp their fenc aboute the feild that is fenced, and cary it away, w^{ch} they ought not to doe, but to leaue it in good repaire. For those which haue cut wood disorderly, it was declared that y^e names of the offendo^rs should be given in, and y^e Marshall gather the fines, according to Order, w^{ch} if they refuse to paye, then to warne them to the next Court; and there was now mentioned William Daus, Henry Glouer, Jeremiah Whitnell, Thomas Meekes, William Thorpe, and Samuell Whithead; and they or any other are desired to give further information of such as they know haue offended in y^e like kinde, that so order may be attended; and after Court was brought in to y^e Secretarie, M^r Wakeman, Rob^t Hill, Rich. Hull, John Ponderson, M^r Gibbard, Jn^o Gibbs, Thom. Powell, & M^r Goodyeare: /

The Townsmen are desired to treat wth William Pringle, and agree wth him to sweepe chimnies for y^e Towne, as they see cause: /

The Townesmen informed that they haue viewed a place for y^e setting a bridg ouer y^e riuer as they goe to Connecticote, and

doe conceive it is a place where it may stand safe Bridg ouer y^e
 and be done for litle charge, the doeing of w^{ch} East riuer
 was generally approved of, but any Order aboute it was refferred
 till another time: /

A complainte was made by some that y^e Duchmen lately admitted doe sell things excessive deare, and instanc was given in some particulers, but a knott of buttons was now showed in y^e meeting, small silke buttons at 18^d a dosson, w^{ch} was looked at as a most exceeding deare price, likewise that the mault house is not improued, as M^r Melyen promised it should, to supply y^e Towne, also that they doe not attend y^e publike meetings on y^e Lords day so duely as they should: aboute w^{ch} things the Court, wth M^r Daueno^t, the decons & Townsmen, were desired to meete this after-noone and speake wth y^m, that so what is offensive may be removed: /

The Towne was desired that what they haue promised to doe for M^r Demone of Fairefeild they would doe it, that he might have y^e comfort of it.

It was propounded that she that was widdow Fuller, now y^e wife of John Finch, who liues at Westchester, is come into y^e Towne, [202] and hath hired the house where Goodw. Seely liued of her, w^{ch} is contrary to Order, but whether the Towne will let her inioye it for the winter (seeing she comes to get help for her lame child of M^r Winthrop), and so runn the hazard of what charge may come if she should dye, being now big wth child, or whether they will put her away, except securitie may be given to free the Towne from charge; wherevpon the Towne declared that except securitie be given, they are not willing she should remaine here; wherevpon M^r Goodyeare and Serjant Jeffery became securitie for her for that purpose: /

AT A GEN. COURT FOR NEWHAVEN YE 17TH IOTH MO, 1656.

The Gouverno^r acquainted the Towne that the occasion of this meeting is to perfect that buisnes propounded the last Towne meeting concerning the ordinary, John Harriman hauing declared himselfe since, that he cannot keepe it any longer; he hath neither bread nor beare to carry it on, nor can get corne

to furnish himselfe for his wampom w^{ch} he takes vpon that occasion: wherevpon the Court and Townes-men have mett and considered how he may be supplied, and haue thought vpon this way, that, seeing the Jurisdiction is in his debt, and the Towne in y^e Jurisdiction's debt, that therefore they would furnish him wth aboute forty bushell of wheat and some rie, w^{ch} may for y^e p^rsent serue him in his occasions, and it may be set of in mens rates, y^e last of w^{ch} is due in March next: and after much debate seuerall men gaue in their names and quantitie they would furnish him wth, w^{ch} was taken notice of by y^e Secretarie, aboute as much as before mentioned, and a note of it given to John Harriman that he might receive accordingly: /

Also it was propounded that seeing wampom is now a drugg, and will not procure him matter to cary on that buisnes, whether he may not refuse it, or at least be left to his libertie what wampom to take, wthout offenc to the Towne; wherevpon it was declared that they leaue that matter to himselfe, and what he doth therin shall be wthout offenc to them: /

AT A COURT HELD AT NEWHAUEN YE 6TH, IITH MO, 1656.

An Inuenty of the estate of Thomas Wheeler* was presented, made the 2^d of y^e 11th m^o, 1656, amount to 196^l :03 :08^d; prised by M^r Mathew Gilbert and M^r John Wakeman, and Elizabeth Wheeler the widdow of the deceased tooke oath that this is a true and full inuenty of the estate of her deceased husband, according to her best light and M^r Gilbert and M^r Wakeman tooke oath that the apprisment is just, according to their best light: /

John Gregory, as appeares by a note vnder his hand dated 24th N^o. 1654, witnessed by Tho. Kimberly, John Bower, and John Benham, passeth ouer to Thomas Wheeler his house and six ac^rs of [203] land in y^e Yorksheir quarter, be it more or less, wth what other accommodation belongs thereto: /

John Eauanc, as appeares by a note vnder M^{ris} Eauanc her hand, witnessd by Nathaniell Whitfeild, dated 6th October, 1653,

* Son of Thomas; by trade a tailor.

hath sould vnto Thom. Wheeler at two seuerall times two small parcells of land, one of w^{ch} being that wherevpon his house stands, y^e other consisting of aboute halfe an ac^r, lying behinde his dwelling house w^{ch} he formerly liued in: /

Widdow Wheeler passeth ouer to John Nash three ac^rs of meddow lying in the west meddow, at a place called the Club,* betwixt the meddow of Richard Myles and Jeremiah Whitnell: /

John Nash passeth ouer to Widdow Wheeler six ac^rs of meddow lying in a place called M^r Malbons Cov, joyning to his own meddow, be it more or less, and runns cross y^e meddow from vpland to vpland: /

The Inuentory of Humphery Spinadg, late of Newhauen, deceased, w^{ch} was p^rsented to the Court y^e 7th of the 8th m^o last past, was now proved, as followeth: Humphery Spinidg, his kinsman, Lettic & Mary, his daughters, all tooke oath that according to their best light & knowledg the inuentory then presented is a true inuentory, etc., and Richard Myles and M^r Rotherford, the two aprisers tooke oath that the apprisment is just according to their best light: /

Joseph Alsop, attorney for Robert Graye of Salem, entred an action agst the estate of M^r John Roberts, and declared that the said Robert Graye let M^r Roberts haue thirteene pound, now aboute three yeare agoe, for w^{ch} he was to paye him thirteene pound in England, and laye it out in such commodities as he gave order for, w^{ch} were expressed, and vpon sight of a bill of ladeing that he had shipped such goods aboard some shipp bound for Boston, he should be discharged. To proue w^{ch} things he showed a bill vnder M^r Roberts his owne hand, dated 13th July, 1653, witnessed by Giles Hamlin and John Smith, w^{ch} the said Giles hath attested vpon oath before M^r Webster, now Gouverno^r, at Hartford. Now the money is not pd according to agreem^t, nor can he heare any thing of it or of y^e man, and therfore hee desired to haue right done him by this Court, that the principall may be paid him here, wth such consideration for forbearanc and disappointm^t as the Court shall thinke fitt; he was asked what he demands; he said he thinks five and twenty pound vpon y^e

* This designation continued in use into the next century; but its origin and exact meaning are uncertain. Club, in the sense of an association for social purposes, was hardly known as yet in England.

former considerations may be but equall, but he leaues it to the Court :/

The Court considered the case, and finde the debt fully proued, and nothing appeares that any thing hath bine paid, and therfore order that thirteene pound be paid him out of M^r Roberts estate that is in the hand of M^r John Wakeman, in such paye as it is, and that hee haue alowed him in consideration of forbearanc & damage seuen pound more, w^{ch} is in all twenty pound, w^{ch} they doe vpon this ground, alowing foure penc vpon the shilling profit, considering it was to haue come ouer in English goods, and after tenn pound in y^e hundered for forbearanc for two yeare; onely Joseph was told that before the said somme be paid, he must give securitie to y^e Court that hereafter, if a just cause be showed to y^e contrary, he must make it good, and vpon that ground may require securitie againe before he deliver it out of his hand, w^{ch} he now consented to doe :/

[204] Robert Treat of Milford, on behalfe of M^{ris} Prudden, entred an action against the estate of M^r John Roberts, and declared that before M^r Roberts went from hence M^r Prudden let him have three hundered of bread at Milford, for w^{ch} he was to paye him three pounds in England to his brother M^r Lucas, but the money is not paide, as app^rs by diuers letters, one of w^{ch} was now showed to the Court, and to proue the deliverie of the bread, James Roggers now affirmed that he by M^r Pruddens order did, 11th of Aprill 1653, deliuer to M^r John Roberts three hundered of bread at Milford, and M^{ris} Prudden now by writing declared (w^{ch} she can affirme vpon oath if called therevnto) that her husband had a bill of M^r Roberts for this money, w^{ch} she had seene and read, but now (God hauing taken her husband away)* she cannot finde it, but desires the Court to doe her right in y^e case. The Court considered of what was propounded, and vpon the considerations mentioned in the former case order that M^{ris} Prudden shall be paide out of M^r Roberts estate foure pound fifteene shillings, but Robert Treate, her attorney, was told that securitie must be given to the Court, that if just cause be hereafter showed to the contrary, it must be repaide, w^{ch} hee promised should be done :/

* Rev. Peter Prudden, of Milford, died in July, 1656.

Richard Beckley entered an action against Mathias Hitchcock for damage done him in his flax by the oxen of the said Mathias, w^{ch} are vnruley cattell and brake his fence and let in swine, so that he hath suffered therin to the valew of three pound at least. Mathias Hitchcock said that the flax was spoyled before, by lying so longe vpon the ground that it was rotten, as Richard Beckley himselfe had told him, w^{ch} y^e s^d Richard denyed not, but said it was his ignoranc so to speake, for he being there after at wett season tooke some of it in his hand, and it pulled in peeces as if it was rotten, but sinc he is informed that flax will seeme so being wett, when it is not so, the truth wherof diuers now in Court affirmed, and further to proue it he showed a small quantitie of the flax that was saued, w^{ch} appeared sound and good, and Richard Beckleies sonn now affirmed that when the flax was taken of the ground and set vp agst the hedg to dry, it was good. The plant. was asked how hee can proue his damage to be so much; he said the ground where it grew was aboute sixtie rod, the flax was good, as his neighbours can tell, and therfore leaues it to any who vnderstand such things to judg whether the flax, beside all charges after, might not haue bine worth to him at least three pound; beside the disappointm^t of his family thereby is great. The Court vpon inquirie found that in all likelyhood the flax (being good) vpon such a quantitie of ground might haue bine so much to his advantage, and Edward Hitchcock said that his wife see some of it and said if it was so good all ouer the ground, their might haue bine much more of it, but to speake possitively to it, none could; and to proue the oxen vnruley, the neighbours that live by him did testifye, and now M^r Tuttill, and also John Tuttill, concerning one of the oxen doe affirme, and Goodman Hitchcock himselfe could not deny it; and that the damage was done by these oxen, and [205] by their breaking the fenc let in swine, appeared because y^e next morning Richard Beckley got William Andrewes and Edward Hitchcock to veiwe the harme done, and when they came they found y^e oxen there, and the flax was all spoyled.

The Court haueing considered the case declared that the defend^t is cast in the suit, and must paye to the plaintiff fiftye shillings and the charge of this Court, and he was advised to take care that his oxen doe no further damage to his neighbours, and

for swine that he attend the Towne order, as his neighbours profess themselves willing to doe: /

William Tompson entred an action against Thomas Mullenn^r, and declared that last Indian haruest he had an oxe went in the woods aboute Thomas Mullenn^r's farme, and the said Mullenner wanting an oxe for his occasions asked him if he would let him haue his to draw in fiae or six load of Indian corne, and then he would put him into his stalkes, w^{ch} would be more advantage to him in his flesh then his labour would hurt him; and he also asked if he would sell him, for he was at a straight, and his oxe would suit him better then another; he answered he did not care if he sould him, and his price was eight pound; but howeuer he would let him haue him to cary fiae or six load, as before he propounded it; but hee hath caryed that and much more, and hath misused the oxe, and would now turne him vpon his hand againe wthout makeing just satisfaction. Thom Mullenner was asked how many load he vsed the oxe for, and why; he said it is true hee caryed in fiteene loades wth him, and thought, because he had the oxe at a price, he might doe it. He was told therefore he must take him at the price set, or make just satisfaction for the wrong done to him; whervpon he chose to paye the damages, and the Court appointed John Coop^r and William Bradley to iudge what the damage to William Tompson may be, and accordingly Thom. Mullenner is to paye, beside the charges of this Court: /

Richard Spery entred an action against Thomas Mullenner for markeing a boare of his, by w^{ch} meanes he could not owne him to fetch him home, and so the boare hath staide aboute the farmes and done much damage, w^{ch} he thinkes Mullenner should paye, beside what the Court thinkes fitt for his miscariage in markeing another mans cattell. Thomas Mullenner said, first, that this boare he marked came to him a pigg, three or foure monethes old, & kept there all the last winter wth other swine, but it was said by some others that the boare was aboute two yeere old, wⁿ he came theither; then he said he bought two piggs of Jeremia How, one of w^{ch} went vnmarked, and he tooke this for that, and marked him one day, as he lay asleepe, but after vnderstanding from his folkes that that pigg was killed in such a place, hee concluded that this was not his boare. It was inquired how

this buisnes came first to be knowne; it was answered that his man first declared it to William Meaker, but Mullenner said he spake first of it himselfe; but to cleere that and what else may be fitt in the case, the Court desired George Smith and William Meaker to speake wth Mullenners man, and get what light they can, and informe y^e next Court: /

[206] AT A COURT EXTRAORDINARIE, YE IOTH, IITH MONETH, 1656.

John Peakin informed the Court that he hired Serjant Jefferies teame to cary some dung into his home lot, in w^{ch} service Christopher Yeomens his man caryed himselfe not well in seuerall passages, but that w^{ch} he complains of is for prophane swearing in a desperate manner, Gods wounds and Gods blood he would knock Hen. Morrell downe wth his goad, because he indeauored to set y^e cart right to y^e heape of dung, and after swore againe, Gods heart he would cary no more dung for him; he witnessed against it, and said he would complaine to y^e Gouverno^r; he said he cared not for the Gouverno^r nor all y^e men in New hauen; and, when Hen. Morrell told him 'Serjant would not haue bine so angrie, but thanked him for setting y^e cart, he said, Serjant Jefferies was a tetchy foole, and so you are all. These things were witnessed to by Hen. Morrell, and also confessed by himselfe. He was furthe told that he hath also cursed himselfe most dreadfully, saying to John Gilbert, The deuill take me body and soule, if I doe not braine y^e, when I meete the; w^{ch} he denyed not, but said John Gilbert prouoked him by calling him names, w^{ch} y^e Court witnessed against if it be found true.

The sentenc of the Court is that the said Christopher doe set in the stockes aboute an houre, and be after publicly whipped, that it may be a warning to others, and by the blessing of God be a meanes to worke corruption out of his owne heart: /

AT A GEN. COURT FOR NEWHAUEN, YE 2D, 12TH MO, 1656.

The Gouverno^r acquainted the Towne that the occasion of this meeting is aboute the meeteing house, w^{ch} hath bine veiued by

workemen and finde it verey defective, many of the timbers being very rotten, beside the groundsell. They thinke the charge at p^rsent will be aboute 30^l, and then they hope, wth some small yearly charge beside in maintayning y^e shoares aboute it, may in an ordinary way secure it for foure, or five, or six yeers, but they thinke it is not like to last long.* Wherevpon was much debate whether it were not better to build a new one as soon as may be, and wheither of stone or timber; but the buisnes being weightie, and also some considerations aboute building a new bridg at Neck, both were refferred for a weeke, that the Towne may consider of it, and then meete againe and declare their mindes.

Some other things were propounded, as aboute y^e planting feild in y^e oxe pasture, exchange of some land wth Jno Ponderson & Ro. Johnson, and stone wth Jn^o Jones, but nothing concluded in them at present: /

[207] It was propounded that Mathew Moulthrope desires the Towne to exchange a small peece of land, w^{ch} lyes neere his med-dow and is a conueniency for his fencing in y^e same, for so much of his land w^{ch} lyes not farr of, w^{ch} hath bine formerly propounded to y^e Townsmen and two of them went to view it, viz. Leutennant Nash and William Bradley, who now informed that they thinke it may be aboute 3 or 4 ac^s, and they see not any prejudice that will come to y^e Towne by exchange of y^e same; whervpon the thing was consented vnto, none objecting against it: /

Six ac^s of land in y^e plaines, w^{ch} was formerly Abraham Smithes, and since by William Bradley resigned into the Townes hand, is now granted to William Wooden: /

The Gouverno^r acquainted the Towne that there is a Shipp-master and his mate, w^{ch} were bound in a shipp from England to Boston, but goeing aboard another shipp to make Storey a consort shipp, could not recover his owne shipp Ship-master againe & was faine to come to Vergenia, and is now in his trauell to Boston hoping to finde his shipp there, & are in sore distress; therefore wheither they will not doe something to help them. The Towne freely declared themselues that they are will-

* The meeting house was built in 1640, and remained in use until 1670.

ing to discharge their expences here at y^e Ordinary, and what else M^r Goodyear shall thinke necessarie for helping them on in their way to Boston: /

AT A COURT HELD AT NEWHAUEN YE 3D, 12TH MO, 1656.

Widdow Wheeler was called and told that according to order, if she desire to administer vpon her husbands estate, she must take forth letters of administration, and give securitie for that part w^{ch} belongs to the children, w^{ch} will be aboute 130^l. She said she was vnprepared to give an answer, and therefore the Court gaue her time till next Court: /

John Tompson, Jun^r, passeth ouer to John Cooper twelue ac^s of land lying in the subuerbs quarter, neere the west meddow, on this side the river, betwixt the land of William Pecke and the land that was his fathers, Anthony Tompson; and because the land was formerly John Clarkes, and by him sould to Anthony Tompson, but no alienation hath passed, therfore the said John Tompson ingageth to secure the title for good against all men to Jn^o Coop^r, and to saue y^e Court harmeless, if any question should afterward fall in aboute it: /

William Judson passeth ouer to Edward Parker eight ac^s & a halfe of meddow, lying vpon the great island in y^e East riuer, w^{ch} was form^{ly} the meddow of Marke Peirce: /

Isack Beecher passeth ouer to Humphery Spening the house and home lot that he bought of John Potter, lying next y^e lot of Wid. Beecher.

Daniell Bradley entred an action against Humphery Spening, but fayling in his prooffe could not proceede therein, and by advice of the Court they both agreed to put it to arbytration, and y^e money p^d for entering the action was returned againe: /

The action entered last Court by Richard Sperry against Thomas Mullenner (but not issued) was called vpon, and Geo. Smith and William Meaker informed that they had spoken wth Thomas Mullenner and his man together, but could gaine nothing to give the Court much light in the case; but Mullenners man being p^rsent was now examined and declared that he knew the boare; he was, as he thought, a thriuing young swine, and his

master marked him aboute a yeare agoe, but he knew not of it, till he brought in [208] the peece of y^e eare he had cut of, and as he apprehends there was 3 or foure more of y^e company vnmarked, and in debate betwixt his M^r and M^{rs} and the seruants aboute markeing this boare, his master said that it is the common course of the cuntrye that if swine be vnmarked they may marke them, and he replyed to his master that he might as well haue marked the other three. Thomas Mullenner seemed to deny this, saying he remembred it not, but a youth, another seruant of his, being p^rsent and examined, said it was true as his fellow seruant had related. Also, his man further said that he cannot tell how his master could take this boare that he marked for that pigg he had of Jeremiah, because that was dead before and he could not but know it, there being much speech in y^e family aboute it, and that was a litle nurling* pigg and this a thriuing swine, and the one was spotted wth black and the other all white. Thomas Mullenn^r was asked what he said to these things, but could giue no satisfying answer. He questioned whether the boare was Rich. Sperries or no; but to cleere that Edwa. Camp & Ralph Lines now affirmed, and if it was required they [are] so cleere in it as they could take oath of it, Edwa. Camp saying that he bred the boare and sould him to Richard Sperry, but Mullenner said he did not desire that they should take oath.

The plaintiff was asked what damag he hath suffered; he said haueing his boare againe he requires nothing in that respect, though it is a loss to him that he could not owne him last yeare, but there is damage he hath done to Geo. Smith and William Meaker, w^{ch} they say is at least two bushell of Indian corne apeece, beside his owne and other mens charges, and attending this buisnes at the Court & other wayes, w^{ch} is himselfe three dayes, Ralph Loynes two dayes, Edwa. Campe one day, and Geo. Smith & William Meaker each a day; as for their damage Mullenner and they agreed betwixt themselues: /

Thomas Mullenner was told that there are some other miscarriages w^{ch} the Court heares of, w^{ch} he must answer to: first, whether he hath not wthout leaue worked an oxe of Goodman Sandfords of Milford; he confest that one time when his owne was out of the way, and that oxe being thereabout, he did take

* Nursling?

him & worke him; and wheth^r he hath not vsed to take other folkes horses vp in the woods and ride them, wthout knowledg of the owner; he said one time he tooke a mare of M^r Hookes and rid her to catch his owne horse, and his man now said that he rid her pretty hard; he was told the mare is hurt, and how he will cleere himselfe from it hee may consider, but certainly these are great miscariages, and such as will bring punishment vpon him.

The Court haueing considered the seuerall particulers, by way of sentenc declared that for marking another mans boare, as he hath done it, it is a very vnrighteous theiuish act, but y^e plant. requiring no more, he must beare all damages he hath done to Geo. Smith & William Meaker, and paye the charges demanded, that is, Richard Sperry for 3 day worke, Ralph Loynes 2 dayes, Edward Camp one day, and George Smith and William Meaker each a day, and the Court charges beside; and because hath gone on in these vnrighteous wayes, markeing y^e boare, working the oxe, and rideing the mare (for w^{ch} the particuler men haue libertie to bring their actions as they see cause), but for [209] the publique vnrighteousnes and wrong he must paye to the Towne as a fine forty shillings, and give securitie for his good behaiour for the future in these and the like cases, or remoue, being a man not fitt to liue in a place so aloane; and if this be not done, then he must answer it at the Court of Magistrats.

AT A MEETING OF THE COURT PRIUATELY AT THE GOUERNORS THE
6TH OF 12TH MONETH, 1656.

The buisnes concerning M^r Westerhouses estate, to be issued wth M^r Hudson, refferred to this Court by the last Court of Magistrats, was now called vpon, and the account wth M^r Hudson made vp, w^{ch} was forty pound and five shillings for the house, and fiue pound fifteene shill. for rent due before it was sould, w^{ch} is fortysix pound, tenn pound of w^{ch} he p^d to John Harriman vpon the Jurisdiction acc^{ot}, and tenn pound to M^r Goodanhouse by order of y^e Court of Magistrats, & is in part of a greater somme w^{ch} he claimes as a debt of M^r Westerhouse; so there remaines in his hand twenty six pound, w^{ch} he hath now had a

yeere y^e 2^d of this month, for w^{ch} he agreed to allowe forty shillings, so that now it is twenty eight pound, w^{ch} he is to keepe in his hand and allow forty shill. a yeare for it, till vpon due notice from the Court he be called to paye it, w^{ch} is to be done in such paye as he was to paye it before, at currant price, as is express^d in y^e Towne Records, at a Court held 7th August, 1655; and for securitie of the said estate, he now ingageth the said house, all hazards & causalties of y^e same remaining vpon him, and not vpon the estate it is ingaged for: /

AT A GEN. COURT FOR NEWHAUEN YE 9TH, 12TH MO, 1656.

The buisnes concerning the Meeting-house and y^e Neck bridg, reffered y^e last weeke to this time, were now spoken to, and vpon serious consideration the Towne agreed and concluded not to goe aboute a new Meeting-house at present, but to reparaire this, though it cost twenty or thirtie pound, beside some yearly charge aboute the shoares, and therefore desired the Townsmen and y^e Deputies of the Court to agree wth worke-men before hand, for what they can foresee is to be done.

And for the Neck bridge, if it may wth safety stay another yeare before a new one be builded, they desire it, but if not they leaue it to the Townsmen and Deputies to doe as they shall (vpon due consideration & advice of workmen) see cause for: /

Serjant Andrewes informed that aboute these workes there will want ropes, w^{ch} are not in the Towne, nor can be procured but for beauour, or siluer, w^{ch} is difficult to attayne, and therefore he thinks that if euery man in y^e Towne did, in part of his rates, paye a small quantitie of hemp, ropes might be made for y^e purpose, ther being one in y^e Towne that can make them. The motion was well approved of, and it is Ordered that euery planter belonging to this Towne shall, betwixt this and y^e second of February next, pay in to y^e Treasurer in part of his rates two pound of good hemp w^{ch} is fitt for this vse, or if he fayle of that, he shall paye halfe a bushell of good wheat instead thereof, wherwth hemp may be procured, vnder y^e penaltie of

It was propounded that much hurt is done in winter corne by swine, and in y^e meddowes, and that some one feild in the

Towne might be euery yeere planted wth Indian corne, and much debate was aboute the planting feild in y^e oxe-pasture, and aboute a new way to Connecticote by Farmington, but nothing was concluded in any of them :/

[210] AT A COURT HELD AT NEWHAUEN THE 3D, ITH MO 1656/57

Humphery Spining before the Court ingaged his house and halfe the vessell that is betwixt John Tompson and him for securitie for the estate he hath in his hand of his kinsmans Edward w^{ch} is now aboute 30^l, and there is aboute ten pound more in debts w^{ch} he promiseth to doe his indeauour to get, and as he receives it to give securitie for it. He declared an intent he hath to sell his part of the vessell, but promiseth if he so doe he will put in other securitie to y^e valew thereof, to y^e Courts satisfaction.

John Harriman declared that M^r John Roberts owed him 12^s 8^d, as he made to appeare by his booke, and he had of him beside a paire of wosted stockings, w^{ch} cost him 8^s, but they had bine a litle worne, so that he conceiues they were worth when hee had them at least 5^s; wherevpon y^e Court Ordered y^t he should receive of M^r Wakeman of M^r Roberts his estate seuen-teene shillings & eight pence, and hee now ingageth before y^e Court, that if just cause be showed to y^e contrary, he will be answerable for y^e same :/

Widdow Wheeler was called before the Court and asked if the buisnes betwixt Serjant Munson and she, aboute y^e wood, is issued; she said, no; wherevpon she was told that if matters be not ended before the next Court, she must answer it then; she was further questioned aboute securitie for her chिल्drens portions, but was not yet prepared; she also declared that her husband formerly given her a cow and an yew, the w^{ch} wth their increase she conceives is her proper right, both w^{ch} are prised amongst the other estate, and also some yarne to make cloth to cloath the chिल्dren wthall, w^{ch} she thinkes should not haue bine prised; but to cleere these matters she had no witnes ready, and therfore it was referred till next Court :/

Thomas Meekes desired Goodw. Wheeler to pass ouer to him 12 ac^rs of land w^{ch} he bought of her husband, but she sd she knew nothing of it; he said Math. Row had heard her husband say that he had sould Tho. Meekes some land betwixt y^e Towne and y^e Mill, and Jeruice Boykin now said that Tho. Meekes spake of it to him before Tho. Wheeler, and he contradicted it not, and Tho. Meekes said that he had p^d 24^s for it in acc^{ots} betwixt them, as his wife could testifye, but things not being cleere betwixt them, it was referred till another time, and they were wished to issue it betwixt themselues.

Jeruice Boykin passeth ouer to Thomas Meekes six ac^rs of land that he bought of M^r Pell, lying in y^e quarter called M^r Newmans quarter, in y^e 3^d deuission of these lands wthin y^e two myle.

Edward Parker desired Jeruice Boykin to allienate to him the house he bought of him of Thomas Lords; Jeruice said he is not prepared, haueing lost the letter of attorney that he had from Tho. Lord; wherfore it was deferred, and he was wished to send to Thomas Lord that he might haue full power vnder his hand to doe it, but if that fayle, he said John Cooper can speake something to cleere it: /

[211] AT A GEN. COURT FOR NEWHAUEN, 9TH, 1TH MO 1656/57.

The Gouerno^r acquainted the Towne that one cause of this meeting is aboute the oxen-pasture, aboute w^{ch} was much debate, and in y^e issue it was agreed and voted that the Townsmen shall let it out for planting (that more corne may be got in y^e Towne) for 3, 4, or 5 yeeres, as they shall see cause, and what they doe the Towne hereby confirmes, and a meeting is now appointed at 5 a clock to morrow in y^e afternoone at John Gibbs his house, and all men who desire to hire any of it may then and there app^r, that so it may be the more satisfyingly issued.

The Townsmen acquainted the Towne that they had spoken wth M^r Winthrop to know if he will accept M^r Malbons
of y^e house where he liues vpon y^e termes form^rly house
propounded, but they can haue no certayne answer to rest
vpon, and therefore they thinke that what was formerly pro-

pounded must fall, and now y^e Gouverno^r hath Chapmen* for the house, but is not willing to dispose of it till the Towne refuse, and they y^e rather propound it now because ther hath bine some motion in y^e Gen. Court that y^e other Townes hereabout might consider M^r Winthrops cost & paines amongst them. Much debate was aboute this matter, and in the issue it was voted by y^e whole Towne that it shall be bought & p^d for out of y^e Treasury vpon the termes propounded, that is, one hundred pound y^e price, halfe of it to be p^d this Spring & the other halfe in y^e latter end of summer, in wheat or biskit that is good at currant price as he might haue had; but if y^e Towne be vnprouided of such paye, he is content to take beefe & porke, provided that they stand to y^e markit at Barbadoes to make it as good as y^e other paye, & he will provide freight & run y^e hazard of y^e seaes, and in y^e issue give an account how y^e market proues:/ w^{ch} house so bought is to be at the Townes dispose as they shall see cause:/

An addition to that Law concerning disturbers of y^e publike peace, w^{ch} was ordered last Gen. Court, was now published:/

It was propounded that ther is great inequalitie in y^e heards of y^e Towne, some being too great, and some not sufficient to pay y^e heardman, but now heards being made vp it is not conuenient to alter y^m this yeere: but for y^e future the Townsmen are to order it so that, so farr as may be, griueances amonge neighbours may be preuented.

Thomas Moris propounded to haue libertie to build a wharfe before his dore† for his furtheranc in building vessells; it is referred to the Townsmen, to view and to grant liberty or deny it, as they see cause:/

Complaint was made that ther wants roome in y^e meeting-house for diuers w^{ch} now croude into the soldio^rs seats that they cannot comfortably sit. The Townsmen were desired to consider of it and speake wth some workemen, to see if another litle gallary may not for a small charge be made, adjoyning to that is allready:/

Those that haue small lotts on the other side of y^e riuer, neere to Dragon Poynt, desired that they might haue them laid together,

* Intending purchasers.

† On East Water street.

that they might the better make improument of them, w^{ch} the Towne was not vnwilling to, onely they desired the Townsmen to view and consider the same that the conveniency of the Towne in high wayes or otherwise may be prouided for, and then propound it to y^e Towne, that what is fitt may be granted: /

It is Ordered that the way ouer the riuer at Dragon Poynt shall be staked out by them who last did it, and to be pd by the Towne for their pains.

Jn^o Harriman propounded for a peece of medow of Tho. Lords, but nothing done in it: /

[212] AT A GEN. COURT FOR NEWHAUEN, YE 30TH, FIRST MO, 1657.

It was agreed that the finishing of the fences aboute the Towne, w^{ch} should haue bine done the last weeke in March, is now Ordered to be finished by the last day of this weeke, at night, w^{ch} will be the 4th of Aprill, and so the generall view is to be the beginning of the weeke following: /

It is Ordered that the way w^{ch} was left to goe to the Clay pitts (w^{ch} is now of no vse for that purpose) shall be well fenced vp, and no passage to be, for carts or cattell that way till the Towne see cause to open it againe: /

AT A COURT HELD AT NEWHAUEN YE 7TH OF YE 2D MO, 1657

Widdow Wheeler appeared and said she had some witnesses now ready to testifye concerning some cattell that her husband gaue her, w^{ch} was spoken to last Court but not issued for want of prooffe; wherevpon they were called.

Edward Parker saith that he goinge to Thomas Wheelers to buy a steere of him, w^{ch} was aboute three yeares old, he said it was none of his, but his wiues, and Goodwife Wheeler said to her husband, You must not sell my steere, so he went away and left it.

The wife of Samuell Hodgkis saith that she heard Tho. Wheeler say of y^e same steere to his wife, This is yo^r beast and came of yo^r cow, but who must paye for wintering of it.

Samuell Hodgkis saith that being at Thomas Wheelers one time ther was a calfe killed, and Goodwife Wheeler asked her husband for the money it was sould for, and Thomas Wheeler owned that it was his wiues calfe, but said, Who must paye for wintering y^e cow; she said, Her milke will paye for that: /

M^r Goodyear said that Robert Hill declared to him that one time he went to Thomas Wheelers to buy an ewe of him, and when he came he pitched vpon one that he said was his wiues, and vpon that he left her.

Goodwife Wheeler was asked what became of the steere; she said it was killed, and they paid rates wth it; she said also ther was a cow of that stock sould for wampome, w^{ch} her husband also had to vse aboute his occasions: /

Diuers persons tooke the oath of fidellitie, whose names are entered in the great booke of the Towne Records, fo. 138.

M^r Gilbert passeth ouer to Samuell Blackley the house and home lot that was M^r Tench his, wth tenn ac^s of land of the first deuission, and eight ac^s and a half of y^e second wthin the two myle & tenn acs of that meddow lying vpon the great island: /

Jeruice Boykin passeth ouer to Thomas Lord his house and home lot, lying next M^r Lings lot.

Thomas Lord passeth ouer to Jeruice Boykin his house lot, lying next M^r Caffinch his lot, and aboute 3 ac^s of land of the first deuission wthin the two myle, lying next y^e land of Robert Talmage: /

[213] Jeruice Boykin, by vertue of a letter from Thomas Lord, w^{ch} he now showed the Court, passeth ouer to Edward Parker his house and home lot he bought of y^e said Jeruice, lying betwixt M^r Lings lot and that w^{ch} was M^r Pearc his, and three ac^s of land, lying in the second deuission wthin the two myle: /

The disposing of the meddow of Thomas Lord was spoken to, and the Court told Jeruice Boykin, his agent, that he may dispose of the same to Thom. Lords best advantage, and see that the Towne be satisfyed for what rates is due from him in a just way when account^s are justly made vp, w^{ch} he promised should be done: /

AT A GEN. COURT FOR NEWHAUEN, 24TH, 2D MO, 1657.

The Gouverno^r acquainted the Towne that the occasion of this meeting is aboute the Indians. They say they haue not land inough on the other side to plant, and they desire they might hire some of the English aboute Oyster-poynt, and plant there, wher they desire also to dwell this summer, if they may haue libertie, & they haue promised that they will not be injurious to the English and that they will not worke on y^e Saboth day. Much debate was had aboute this matter, and in the issue it was referred to the particuler Court and Townsmen to treate wth them and doe as they should see cause; onely these following conditions was put in by the Towne, to be observed by them, viz^t; that they harbour no strang Indians to dwell wth them; that they kill all their doggs (some of w^{ch} haue done mischeife allready); that they neither burne or other way spoyle any mans fenc, nor cut wood vpon any mans ground w^{thout} leaue, nor take any wood allready cut, as some of y^m haue done, if they doe just satisfaction will be required; that they staye not late in y^e Towne at night, nor come into y^e Towne wth any arms, hatchets, clubs, ec.; that they come not into any houses w^{thout} asking leaue, and if they are bid to goe away, that they doe it w^{thout} gainsaying. Accordingly the Committee mett & treated wth y^e Sagamore and some other Indians deputed, who after consideration returned answer that the Indians would not kill their doggs, and was then told that they must remove to their owne land on y^e other side.

The Towne was informed that their diuers horses now of late killed wth wolues, and particulerly of one great black wolfe of a more then ordinarie bigness, w^{ch} is like to be more feirce and bould then the rest, and so occasions the more hurt; wherfore it was Voted that if any man will take paines to seeke for and kill that wolfe and bring his skine to the Treasurer, he shall haue fve pounds payde him for y^e same:/

The Townsmen informed that they haue let the planting feild in the oxe-pasture to seuerall men whose names are wth Leiut^{nt} Nash, and the conditions whervpon it was let, as was now declared, is for three yeers time, for two shillings per ac^r, w^{ch} is to goe to the proprietors who cleere their interest; they that hire it are to make and maintayne the fenc against all sorts of

cattell at their owne charge, and fall vnder all orders as other fences since the 8th of Aprill last: and seeing some land is so bad as none will hire it, w^{ch} had fenc belonging to it, they [214] which haue hired the rest ingage to take that in and doe it in their just proportion.

The Townsmen also informed that they haue appointed six horsse, according to the Generall Courts Order, w^{ch} are to be kept by Richard Myles, John Gibbs, Rogger Allen, Thomas Munson, William Bradley, and Thomas Mullenner; and they haue their bridles, sadles, pistols, ec., w^{ch} they are not to vse but in this seruice, and are to haue such priuiledges as is alowed by the Gen. Court, but they desire that a stock of oats of aboute fwe or six bushell for a horss, might be laide vp, in case of any sudden seruice, that their horses may be y^e more fitt for the same; w^{ch} the Towne was not vnwilling to, but at present it is conceived ther is not so many oats to be got, and therfore is referred to another season: /

It was desired that the Generall viewers might veiw the fenc in the ox-pasture, as other fences in the Towne, but some others seemed vnwilling to it, but in the issue it was voted that if y^e generall viewers and the viewers of the ox-pasture fenc doe view the same, the Towne alowes of what they shall doe therein: /

AT A COURT HELD AT NEWHAUEN, 5TH, 3D MO, 1657.

Edward Parker informed that he had bine, the first of this m^o, to demand of Isack Beecher the cow he hired of Samuell Potters for a yeare, but he refused to deliuer her, thinking her time was not out till the 6th of this m^o, because the Court was that day the last yeare. When this matter was spoken to, Isack Beecher said it is true he did thinke so and therfore refused, but vpon inquirie he was informed otherwayes and then he was willing to deliuer her. Edward owned that it was so, and he went that night to receive her, but then the cow was worried, so as he durst not receive her for the boye, conceiving ther might be some hazard in it, w^{ch} Isack Beecher was to stand to, and the

cow was to be deliuered at y^e Spring, as appeared by a note Edward Parker showed vnder Isack Beechers hand, and Isack was told that must needs be before the 6th of May. But now before the Court Edward Parker and Isack Beecher agreed that another cow should be deliuered, equally prised; and if she came not to fīue pound, the said Isack would make it vp in other paye, and paye y^e rent also for that cow he hired y^e last yeare: /

Thomas Johnson informed the Court that he laid an attachment vpon y^e estate of Thomas the Indian, to the valew of forty shillings, w^{ch} hee desired the Court would consider of, and order him to receiue what is due to him, w^{ch} is twenty eight shillings nine penc, beside some charges w^{ch} hath bine expended aboute this buisnes. The Court told him his debt must be proued, w^{ch} he said he could doe but his witnesses were not now present; so nothing was done in it, but the Court vnderstanding that the said Indian is indebted to some others in y^e Towne, and that hee is now gone, referred the matter till the next Court to see if he may come againe, and appointed the Marshall to giue notice some publique trayning day that if any person haue any clayme to make to any part of his estate, they would appeare next Court to make [215] their demande, and then the Court will consider, that right may be done, as the case may require: /

Thomas Johnson desired that he might haue libertie to make vse of some tooles y^e Indian left, w^{ch} are part of the goods attached; he was told if some workeman viewe them, so that it may appeare they receive no damage, he may vse them a while, provided that if y^e Indian come he may haue them & not be deprived of his owne tooles.

Thomas Johnson desired the Court to consider of a fine of 40^s, that was laide vpon him for kindling a fire in a home lot, w^{ch} the Court hearkened to, and though he could plead nothing that might excuse him, yet vpon his earnest desire of remittanc or abatement, as they please, he was told that it hath bine long vnpayed, but if he now wthin fourteene dayes paye the one halfe, w^{ch} is 20^s, to y^e Treasurer, y^e other halfe shall be forgiven: otherwise, the whole to stand as it is: /

M^r Goodyear passeth ouer to Thomas Mullenner one hundred and seuenty ackers of vpland, lying vpon the west side, neere a place called M^r Malbons coue, and so running to the sea side, and thirty ac^{ts} of meddow, 18 of w^{ch} lyes in that called M^r Malbons meddow, being all the proportion that was there belonging to M^r Hawkings his lot, and the rest a part of that w^{ch} was M^r Lambertons meddow, and lyes adjoyning to the vpland: /

Widdow Wheeler was asked how she hath disposed of John Bracy, who was prentise to her husband to learne his trade; she said he was yet wth her, but she was free to dispose of him wher he might learne his trade, and sent to his brother who is a taylor to take him, but he refused. She was told her demands are too high, elc it is like she might haue put him forth before now; wherfore the Court declared that if she can dispose of him in a satisfying way by the next Court to a place where he may learne his trade, she may: but if not, the Court will then consider how to dispose of him, and Thomas Kimberley was desired to speake wth others of that trade and let the Court vnderstand what they thinke may be a just consideration for him the remainder of his time: /

Goodwife Wheeler propounded that ther hath bine some loss in the cattell this Spring, and she sees great hazard in them, therfore desires the Court would dispose of that part w^{ch} should belong to the chिल्dren. She was told if she would part wth her chिल्dren too, it is like some may be found that will take them; but that she said she was not free to. Therefore she was now advised to put the cattell forth, and if loss come, it must be borne amonge them all, and after the Court will further consider of it, as also of some other debts w^{ch} she hath since found out to be due from the estate, more then was knowne when y^e Inuentorie was taken: /

The Marshall had order to speake wth John Benham, as from y^e Court, that a woman he brought into the Towne from West Chester (as it said, wife to one Knap in Vergenia) who hath given offenc here, that she be caried away by him againe, else he will be lyable to answer what damage doth come thereby: /

[216] AT A GEN. COURT FOR NEWHAUEN, 18TH, 3D MO, 1657.

M^r John Dauenport, Jun^r, and Abraham Dowlittle were admitted Free-men, and tooke the free-mans charge: /

M^r John Wakeman and M^r William Gibbard were chosen Deputies for the Generall Jurisdiction Courts, for y^e yeare ensuing.

M^r Wakeman, M^r Gibbard, Leiutennant Nash, and Ensigne Lindon were chosen Deputies for the Towne Court of Newhauen for y^e yeere ensuing.

Francis Newman was chosen Secretarie.

Will. Peck was chosen Treasurer and Thomas Kimberly chosen Marshall for Newhauen for y^e yeare ensuing.

Leiutennant Nash, John Gibbs, Jeruic Boykin, Thomas Munson, William Bradley, Samuell Whithead, and Rogger Allen are chosen Townsmen, for the yeare ensuing

A motion was made for one Jn^o Burwell of Milford to haue some land giuen him at Chesnut hill, to be a planter ther, w^{ch} was debated, but no issue put to it at this time.

A motion was also made concerning the planting of hemp, whereby the Towne might be supplied wth ropes, now Goodman Peakin is here to make them, who wants employm^t and would attend it vpon reasonable termes, w^{ch} if not attended to, it may occasion him to remove, w^{ch} may proue inconuenient to the Towne, he being very vsefull to make sayles & ropes. This also was a litle debated, but nothing concluded in it: /

After trayning the Gouverno^r desired to speake wth the Towne againe, and informed them that one thing was forgote in the morning, concerning M^r Winthrop. The Townsmen haue spoken wth him aboute his staying here and accepting of the house he lives in, as a gift from the Towne; but he is not willing, neither to ingage nor accept of y^e house so, but if the Towne be free, he is willing to buy it of them, and so be at the same libertie as other planters are, and will paye them for it in goats, halfe this yeare, and halfe next yeare; the youngest, he said, should not be less then a yeere old, and y^e oldest not aboue two, or three. The Towne considered of it, and as they haue done before, so againe they declared that they are willing M^r

Winthrop should haue it freely wthout paye; but if he will not haue it but by purchase, then the whole Towne voted that he should so haue it, as is propounded.

AT A COURT HELD AT NEWHAUEN, YE 2D 4TH MO, 1657.

Thomas Powell declared that John Ponderson was warned to keepe cows wth the keeper one day, and he attended it so farr as to goe forth wth them in y^e morning, but it rained and he returned home and fell to his occasions, and though aboute one a clock it left raining, yet he went not againe to attend his worke in preseruing the cattell, so as the heard came home he had a cow swamped, w^{ch} was the occasion of her death, w^{ch} he thinks was by Goodman Pondersons neglect of that trust, w^{ch} he had taken vpon him.

John Ponderson owned that he was warned and did goe, but after [217] found himselfe not well and the weather being cold and rainy hee wth the knowledg of the keeper returned home, giueing direction to him not to goe into the meddow, and then he thought there was no danger; it is true, after he came home and had dry cloathes and warme foode, he was better and went abroade aboute some occasions in y^e Towne, and in his yard; but this cow was weake, haueing bene swamped before & was big wth calfe, and some said not fitt to goe wth the heard, and she was after pretty well and then swamped againe in the quart^r. Thomas Powell answered she was not weake, but lusty, and though she was swamped before yet was recouered againe, and it appeares she was not very weake, when as she laye in the swamp all that night being cold, and the next morning when more help was got to pull her out, she after a litle time came home hur selfe, though she fell onc or twice by the way; and for her swamping after, that was by occasion of this swamping, and so y^e fruit of it, and therfore easeth not him in the case: /

Jeremiah Johnson, who was y^e cow-keeper, was present and owned what was said, but could say nothing to cleere the case; wherfore plan^t and defend^t haueing spoken so farr as they would in the case, the Court declared that they haue considered what hath bine said on both sids, and doe finde that the cow was

swamped before, and so might be some-what weakened by it, yet it seemes so hearty and strong as though she lay in the swamp all night being cold, yet she came home wth litle help, and her swamping againe after might somewhat hurt her, but nothing is proued; they haue also considered and doe see that John Ponderon was faulty, in that when he returned home, did not send another in his roome, nor after goe himselfe when the weather was faire and he somewhat refreshed; this was certainly a neglect; therfore the Court advised them to agree together betwixt themselues, and to beare the loss betwixt them, w^{ch} will satisfye y^e Court; to w^{ch} they both declared themselues willing, and so the cow was to be prised by indifferent men chosen betwixt them, who knew the cow the morning she went out, and what was made of her by hide, tallo, or otherwise, being deducked, the pure neat loss is to be equally deuided: /

Thomas Johnson desired y^e Court to issue y^e buisnes betwixt Thom. y^e Indian and himselfe, aboute y^e attachm^t he laid vpon his goods, for he heares he is not like to come againe; but answer was made by some that he was in the Towne last night, w^{ch} stopped y^e proceeding for the present.

Widdow Wheeler informed that the buisnes concerning her seruant boy, John Bracy, is not yet issued, w^{ch} is to be prepared against the next Court, and Bro. Kimberly was wished to speake wth workemen to y^t purpose. She also informed that Thom. y^e Indian owes her two shill., w^{ch} she desires may be considered amonge other debts.

Goodwife Finch desired the Court to help her wth something out of M^r Westerhouses estate; she was answered it belongs to the Court of Magistrats, to w^{ch} it was referred.

By power from y^e Gen. Court, this Court Ordered that Jn^o Frost lock* be taken of, because they here he caries it well, and it hinders him in his occasions; but if he miscarie againe, he must expect this, and also further punishm^t.

Leiuenn^t Bud passeth ouer to Nickholas Elsy all his remaining part of meddow, on the Indian side, judged to be aboute seuen ackers, lying betwixt that w^{ch} was M^r Janes his and y^e creeke on y^e south of y^e Indians corne feild: he sould 17 ac^r to Will Tompson & y^e remainder he thinkes is in this place: /

* See N. H. Colonial Records, ii, 170-71.

[218] AT A GEN. COURT FOR NEWHAUEN YE 8TH 4TH MO 1657.

Mr Bower and Joseph Alsop were admitted Free-men & tooke y^e charge.

Edward Watson, vpon consideration of y^e vsefullnes of his calling and the necessities of his family to be supplied thereby, is freed from traynings.

Thomas Hogg, because he is lame in his feete and hath some other infirmitie in his body as is known to some, was freed from trayning also: but both are constantly to keepe compleat armes according to Order: /

The Townsmen were desired to speake wth Mr Winthrop, and let him vnderstand the Townes minde concerning the house, and receive his answer, that so it may be knowne who shall make and maintayne y^e fenc, w^{ch} hath great cause to be done, else it is like much damage will come: /

The Townsmen informed the Towne that the Gen. Viewers haue made returne to the Townsmen of many defects in fences; now the question is, whether they will require the fines, or remitt them; wherevpon it was Voted by all that Mr Goodyears fenc in the quarter is left to y^e quarter to issue wth him as they see cause, but the other defects are to be pd for, according to Order: /

The Orders of the Generall Court last were read to the Towne: /

Jeruic Boykin acquainted the Towne that it is conceiued the Neck bridg is but weake and not very fitt for loaden carts to goe ouer, and therefore advised men to be carefull, and William Andrews was to be spoken to to prepare himselfe to goe in hand wth a new on quickly after haruest, and in the meane time Jeruic Boykin & Thom. Munson are to search this that what danger there is may be discouered and prevented as much as may be: /

James Bishop, Francis Browne, and George Pardy are appointed speedily to stake out the way where men should ride ouer at Dragon-poynt: /

All noysome hurtfull weeds are to be cut vp by William Blayden this yeere at y^e Townes charge, as they was last yeere by Goodman Johnson. Mention was made of hen-bane, night-shade, and y^e great weed w^{ch} growes commonly in streets &

mens yards & bears red berryes,* and euery man is to looke to keepe his home lot & 2 rod from it in y^e streets cleere, vnder y^e penaltie of 5^s, as y^e Order ther imports:/ made 23th June, 56.

The Treasurer propounded that it is necessarie a rate should be speedily paide, beside the old debts w^{ch} are to be gathered in. The Towne desired that first the old debts be gathered vp, and then they leaue it to the Townsmen to grant a rate when they shall see cause:/

It is Ordered that the first second day of euery moneth, at fve a clock in the after-noone, the Townsmen haue agreed to meete constantly, & if any of them be absent from y^e meeting or come not seasonably they shall paye 2^s 6^d, and therfore it is thus declared that if any of the Towne haue buisnes wth them, they may know when they shall be attended, and if they haue occasion of other meetings betwixt, they will give notice one to another, but for these monethly meetings this is to be accounted a sufficient warning.

It was Voted by the Towne that for the p^rsent till they see occasion to alter, 4 watchmen shall serue in a night: to be caryed on as formerly, two in the former part of the night, and two in the latter.

William Blayden propounded for an Abatement of a fine for late comeing y^e last trayning day, but it was refferred to y^e Company, to whom the Court hath giuen them fines:/

[219] AT A COURT HELD AT NEWHAUEN YE 7TH 5TH MO 1657

John Benham appeared and desired of y^e Court that they would release him from y^e bargaine he tooke of y^m in cattell, w^{ch} is y^e estate of y^e children of John Walker deceased: for he is weake & lame and vnable to provide for them. The Court told him they would take time to consider of it, and giue him an answer.

Thomas Mullenner was called and appeared, and Leiuten^t Nash on his behalfe informed that the buisnes betwixt Will^m

* Poke-weed, not known in England, and therefore an unfamiliar name to the early settlers. Henbane is no longer to be found in this vicinity.

Meaker, Geo. Smith and Tho. Mullener is ended to their satisfaction; and Thom. Mullener now before y^e Court owned that he had defamed William Meaker in laying suspicion of witchcraft vpon him, and Geo. Smith in saying he milked the heards cowes, and both of them in saying they vpheld his servants in lying, w^{ch} things he had no cause to say, and therfore is sorrey for it, and doth free and acquit them from them all, and hopes it will be a warning to him for hereafter.

For the buisnes concerning securitie, left by the Court of Magistrats wth this Court, he was told he must put it in to the Courts satisfaction, or remove. He said he is not prepared to giue securitie, hauing none ready to be bound for him: nor was he willing at first to giue his owne bond, but rather thought of remouing, w^{ch} the Court was willing to, and gaue him six m^o time to accomplish it in; but after he had considered of it, he againe presented himselfe to the Court, and declared himselfe willing to giue his owne bond, w^{ch} the Court at this time for a tryall was willing to accept, to the valew of fifty pound; and therfore now before y^e Court he ingaged himselfe & estate to y^e valew of fifty pound duely to attend the Lawes of the Jurisdiction, and of this place, and to walke peacably & inoffensively to all, and not to be injurious to any in their names or estates, and if any complaint be brought against him, he shall attend this Court to answer it, and stand to what they shall judg in the case: /

Thom. Mullener was told that there is a complainte made because he hath set his fenc at farme so neere y^e edg of y^e banke by y^e sea, that when cattell are betwixt that & y^e sea, and y^e tide come in hastyly vpon y^m, they are in hazard to be drowned, as some swine haue bine; and therfore he was told it must be viewed and removed, as also any other fenc set in y^e like manner: /

The Gouerno^r, Theopilus Eaton, Esq^r, as Capt. Bettons agent, passeth ouer to the Towne of Newhauen the house and home lott w^{ch} was M^r Malbons and all the houseing vpon it, wth all y^e accommodations that is belonging thervnto, w^{ch} in y^e booke wher mens accommodations are entered appeares to be thirty fiue ac^s of y^e first deuission wthin the two myle, and six & twenty rod, thirty foure ac^s of meddow and a halfe, one hundred seenty eight ac^s of y^e second deuission, and twenty ac^s & a quarter, sixteene rod, in the necke.

And now was passed ouer to M^r John Winthrop, Esq^r, the said house, and houseing, wth all the said accommodations, for whom the Towne procuried it, as appeares in their bargaine made for it wth y^e Gouverno^r y^e 9th first m^o, 1656, and their Order aboute disposing of it, 18th of the 3^d m^o, 1657; he haueing giuen a writing vnder his hand, ingageing the payem^t of one hundred pound in goats, as he propounded, and desiring it might be passed ouer to him:/ w^{ch} is hereafter recorded: /

[220] These are to testifie that I doe owe and am indebted to the Townsmen of Newhaven, selected by the said Towne for the carying on the prudentiall affaires of the same, the full somme of one hundred pounds, for the house wherin I now liuè, wth the lands to it, to be paide in goats, the one halfe at any time betweene this or October next, vpon Fishers Island, whensoever they shall send a vessell to demande and cary away the same, and the other halfe the next summer, at the same place, when they shall likewise send a vessell to demande and fetch them away, any time before that winter, to be deliuered by my seruants there. Witness my hand, July 7th, 1657.

John Winthrop*

Witness, Francis Newman

I desire there may be a legall alienation of the house and what belongs to it, according to the custome of other sales. John Winthrop*

AT A COURT HELD AT NEWHAUEN YE 4TH, 6TH MO, 1657

What was last Court propounded by John Benham, concerning the cattell he hath taken of the children of John Walker, was againe spoken to, and Jn^o Benham was told that in respect of his bodily weakness the Court inclines to fauour him, and shall release him for his part of the bargaine, but for the other halfe w^{ch} his sonn Joseph hath, he must still keepe them, and both must still stand securitie till the bargaine be fully performed, or they by the Court released; he was further told that an equall deuission cannot be made of the cattell vnless they bee seene, and therefore he is speedily to get them together (w^{ch} he said he

* An autograph signature.

hoped to doe in a weekes time, and then some appointed by the Court shall view them, and so it may be agreed, w^{ch} Joseph shall keepe still, and w^{ch} shall be otherwise disposed of: /

M^r Joshua Atwater informed the Court that M^r John Roberts had of him when he went away from henc, deliuered by James Roggers at Milford, twelue hundered of bread and seuteene bushell of wheat, ec.; but he alowed him in account but for ten hundered of bread, so ther is two hundered due to him still, w^{ch} comes to forty foure shillings, and foure shillings he pd William Holt for worke aboute his fish, and eight shillings to M^r Goodyeare for a scarfe, and six penc to William Peck, to proue w^{ch} he produced his booke and showed a note or receipt vnder M^r Roberts his hand, dated the 11th April, 1653, w^{ch} makes it appeare he received the quantitie of wheat and biskit, and offered to take oath to the truth of these things: /

The Court vpon the euidenc that appeareth declared that M^r Atwater shall receiue out of M^r Roberts his estate fifty six shillings six penc, and he now ingaged before the Court that if just cause be shoven to the contrary in one kinde or other, he will make it good againe to the estate: /

[221] AT A GEN. COURT FOR NEWHAUEN 17TH 6TH MO 1657

It was propounded that any one who hath p^d Leutenn^t Seely any thing for and toward that he was to gather for Goodman Demon of Fairfeild that they would declare it, wherevpon Joseph Alsop said he had p^d him 8^s, M^{ris} Rotherford 8^s, William Peck 4^s, M^r Melyen 10^s, and who else is not now knowne, but Samuell Whitehead was now appointed to looke after it, and speake wth that quarter and subuerbs, and see how things stand, that right may be done.

The Townsmen declared who they haue chosen for veiwers of fences for this yeere ensuing, w^{ch} was now confirmed; for the Gouverno^rs quarter, James Russell and William Russell; for the quarter toward the mill, John Coop^r and Robert Pigg; for the quarter against bro. Coop^{ers}, Thomas Beament and John Johnson; for the oxe pastur, Robert Hill and Andrew Loe; for

y^e subuerbs quart^r, John Wakefeild and Peter Mallary; for M^r Goodyears quarter, William Dauis & Henry Glouer: /

An Order made in July, 54, aboute securing Indian corne from swine, & from yeare to yeare renewed heitherto, was now againe voted to be put in execution this yeare also till Indian corne be gathered inn.

Liutenn^t Nash propounded that the Millitary Company want some officers, w^{ch} are needfull to be supplied, and accordingly Corporall Jeruis Boykin was chosen Serjant, and James Bishop and Abraham Dowlitle were chosen Corporalls: /

The Townsmen remembred the Towne that ther is 100^l to be pd to the Gouvernor for M^r Malbons house w^{ch} they desired they would take Order may be provided in season: /

Francis Newman propounded that some other may be chosen to supply the Secretaries place, because he is as he supposeth called to goe for England, but the Towne was vnwilling to it, and declared that if he would staye they would out of the Treasury make vp what the Jurisdiction allowes him 50^l a yeare.

The Towne by vote declared that they free M^r Goodyeare from rates the last yeare and this.

M^r Goodyeare propounded that he might haue libertie to sell his part in the Iron-worke, w^{ch} the Towne was not willing to, except it be to such as they shall approve of.

Edward Parker propounded that Jn^o Potter might haue some lot granted to set vp a shopp to follow his trade. The Towne was willing thervnto, but knew not of any place at their dispose convenient for that purpose, and it was now left wth the Townsmen to consider of and issue as they see cause: /

AT A MEETING OF THE COURT PRIUATELY AT THE GOUERNORS, 22TH,
6TH MO, 57.

It was agreed (Jn^o Benham, Senio^r, Joseph Benham, and Edwa. Watson being present) that Edward Watson should haue all the Cattell w^{ch} are now to be deliuered, that was put to Jn^o Benham and his sonn, and they should be free in October next when the time

Agreem^t
aboute Walkers
catle

comes vp, payeing in proportion for alowanc according to their ingagem^t, and that they be helpfull to Edwa. Watson in providing fodder for them this next winter, w^{ch} they promised they would; and Edward Watson was now asked [222] what securitie he can put in, wth himselfe, if he have the cattell: he named Richard Hull, and had libertie to speake wth him; he was further told he may haue them this winter if some whom the Court appoints shall see that hee hath sufficiently provided for them, and that he dispose of none of them wthout the Courts consent, and that at the Spring there shall be a new consideration, and what the Court sees fitt to haue killed now this next slauter time shall be killed and disposed of as the Court shall see cause, for the children advantage as well as may be: /

AT A GEN. COURT FOR NEWHAUEN 14TH 7TH MO 1657

The Townsmen informed that they haue seuerall things to propound that they have considered of, as about the Neck bridg; they haue treated wth William Andrewes aboute makeing a new one; he asketh 100^l, to be pd 30^l in pease and wheat, 10^l in rie, 10^l in wampom, and 50^l in beefe and porke, and y^t the old bridg be maintayned till y^e new be vp, w^{ch} is to be by the latter end of May next or beginning of June, and he is to be at all charge but a rope and faggotting & gravell. The Towne considered of the propositions, but declared they were not able to performe them at this time; so nothing was done in it, but it was desired that this old bridg may be repaired so as it may be vpheld for the present: /

It was propounded that it was needfull that an Order be made for the paym^t of rates, because ther is sundrie payem^ts to be quickly made, as y^e rates to y^e Jurisdiction, halfe of w^{ch} must be pd in corne according to Order, and 100^l for y^e house M^r Winthrop hath, beside other necessarie charges; therefore it is now agreed & concluded that three rates shall be pd, one in October, one in Nouembr, and one in Decembr; one of w^{ch} at least is to be pd in corne, according to Order, the other such paye as the Order allowes.

The Townsmen informed that they had considered of the Order restraining cutting fire wood in y^e oxen pasture and cow-pasture, and doe finde it is but litle attended to, and to some men it is a snare, and therefore whether the Towne may not see cause to repeale it, at least for y^e present, and give a libertie wth such restraints as they see cause. The Towne considered of the motion and agreed to repeale it and give libertie for y^e planters to cutt fire-wood there, but no man is to fall great quantities of trees before hand, but cut them out as he falls them: if he let them lye, it is at his hazard if another come & cut them out; they are to cleere away topps & bodies, therefore if they medle wth great trees, it was better they lopped them; and it was propounded that the Townsmen would consider of & appointe a place most convenient for cutting wood in for y^e Elders, or other men of publike vse who haue neede:/ This Order is for y^e present, & till y^e Towne sees cause to alter it:/

[223] AT A COURT HELD AT NEWHAUEN YE 6TH 8TH MO 1657

Isack Hall, Thomas Weede,* Edward Neale, Mary Hitchcock an[d] John Brookes were called before the Court, and the said Isac[k] was charged wth writing, and the said Thomas wth setting vp a writing vpon the meetinghouse, publishing a contract of marriag betwixt the said Edward Neale and y^e said Mary Hitchcock, when as there is no such matter, as the father of the said Mary (who complained of this wrong) declared; w^{ch} thing is the publishing of a lye, and the abuse of that wholesome Order made by the Court, and may be looked vpon as don in contempt of y^e authoritie here settled. Isack confessed he did write such a pap^r, but not wth any such intent, and said that Mary Hitchcocke was by when hee wrote it, at John Brookes his house, w^{ch} Mary denyed not but said she witnessed against it, and Thomas Weede confessed he did set it vp, but not in contempt of authoritie. Jn^o Brookes was asked why he would suffer such a writeing to be written in his house, and that in the night, as Isack & Mary said it was: he said they came accidentally to his house, and he would not haue had him done it, and therefore tooke

* The name seems to have been properly Whedon.

away the light from him. They were all told the miscariage is great, and of a high nature, and seeing it is against the Order of the Generall Court, therefore they must all appeare before the Court of Magistrats to morrow fortnight to answer the same; onely Edwa. Neale (against whom nothing is now alleadged or proued, but seemes to be y^e partie wronged) hath libertie to be p^rsent or absent, as he sees cause: /

John Benham desired libertie to buy a three yeare old steere, w^{ch} is one of them cattell w^{ch} he had of the children of Jn^o Walker, and hee would paye in one good ewe, and the rest in pease. He was told hee may buy him, at a just price, and make such paye, the ewe being justly vallewed, and the pease at a moderate price; and whereas he is to deliuer the cattell to morrow, according to y^e writeing he hath giuen in that case, and Edward Watson, who is to haue them, now wants y^e oxen, therefore if he keepe them any longer it must be by agreem^t wth the said Edward.

Widdow Wheeler appeared and declared that she is now aboute to change her condition, wth one Josiah Stanbrough of Southampton, and desired to know what the Court would doe aboute the portions of her children: they both being present were told that the childrens portions must be securied, before they may remoue the estate out of the Jurisdiction; they said they would leaue that part of y^e estate if the Court please; they were asked if they were willing that the children and portions should be disposed of; they declared themselues vnwilling, the said Stanbrough saying he would haue the children wth him though he had no part of their estate toward bringing them vp. After much debate the Court told him if he could put in sufficient securitie here to y^e Courts satisfaction to y^e vallew of one hundered and thirtie pound, w^{ch} y^e childrens part will come to, that he will put in sufficient standing securitie at Southampton to y^e Ciuill authoritie there settled to y^e valew of one hundered and thirtie pounds of good estate, w^{ch} shall remaine [224] as securitie for the said portions till the children come at age and be paid, and that the same be duely certifyed from the said authoritie to this Court, then he may haue libertie to dispose of the estate as he sees cause; wherevpon the said Josiah Stanbrough and Allexander Feild ingaged now before y^e Court themselues and estate

to the valew of one hundreded & thirtie pounds of good estate that sufficient standing securitie shall be put in to the ciuill authoritie at Southampton for the portions of the said chiddren, till they come at age and be paid, and that it shall be duely certified from the said authoritie to this Court that such securitie is giuen and taken to that end, w^{ch} things being fully done and performed, this their ingagm^t shall be voyde, elc not.

Goodwife Wheeler was asked how she doth dispose of her apprentice, John Bracie; she said she could not dispose of him; she was told that it is conceiued that her husband did not doe his duty toward him, in teaching him his trade as he should haue done, and therfore it is like ther will be no cause for her to demande any thing for his time, but rather the boy may require damage of her for not haueing bine taught as he might haue bine; wherefore the Court now desired Thomas Kimberley, Francis Browne, and James Russell, who are taylours and can best giue light in such matters, to consider of it & see his indenture and take what light they can from others and then declare to y^e Court what the thinke in the case, who will then determine as they see cause:/ w^{ch} afterward they concluded that Jn^o Bracie staye here and be at the Courts dispose and that M^r Stanbrough alow 40^s towards the buying him cloathes: /

AT A GEN. COURT FOR NEWHAUEN YE 12TH 8TH MO 1657

The Townsmen informed that sinc the last Towne Meeting Serjant Andrewes hath spoken wth them againe aboute the Neck bridg and seeing the Towne thinkes they are not prouided to paye corne as he then propounded, he will doe it for 100^l (w^{ch} is y^e same price as before) for such paye as y^e Towne can make, and will take halfe his paye this yeare and halfe next yeare, onely he desires, if y^e Towne can, he maye haue a quarter or two of wheat and pease. Serjant Andrewes being present said it was so, and it was now voted that a new bridg shall be now so soone as may be builded, though they thinke the price is too much, but it is left to y^e Townsmen to agree wth William Andrewes aboute it, both for price, paye, and manner of doeing it, and the time when finished, and what else is necessarie in such agreem^t,

and that writeings be made showing y^e same y^t there may be no mistake or questions afterward.

The Townsmen declared that Richard Newman had bine wth them and propounds for a peece of ground aboute 6 or 7 ac^s, w^{ch} lyes in the swamp neere y^e riuer beyond y^e Gouverno^{rs} farme, w^{ch} he [225] intends to improve for planting of hopps vpon and some corne, & for ought they can heare it is of litle or no vse to y^e Towne, w^{ch} now William Bradley also declared and y^t wthout inconvenienc the Towne might grant it, as he conceives; whervpon it was Voted that he should haue it for y^e end before mentioned, and from this time is to paye rates for it as other planters.

AT A COURT HELD AT NEW HAVEN 3D 9TH MO 1657

M^r Tuttill and John Tompson were complained of for neglecting their watch one night in the former part of the night, by w^{ch} meanes their was no watch in the latter part of the night neither; M^r Tuttill sd he had hired Isack that liues at M^r Gilberts to watch in his roome, but was told that he is an idle slight youth and not alowed of in such cases, and that it was publicly declared vpon a trayning day that neither he nor such as he should be accepted, and those that hire must hire sufficient men; and therfor Isack haueing had notice by one of M^r Tuttils children, whom he did not promise, yet went to see if he might be accepted, but was refused, there being no other man that was sufficient appearing to walke wth him; beside y^e Serjant said it was verrey late befor he came, and brought no armes that he saw.

John Tompson said he had warning to watch, but had hired Tho. Tuttill to watch for him, and sent y^e warning to him, but hee neglected it: he was told if Tho. Tuttill haue fayled him, hee may require right of him, but y^e Court must looke to y^e first man, and therefore it was now Ordered that M^r Tuttill and John Tompson paye each of them as a fine to the Towne 5^s.

John Benham Jun^r and Joseph Benham were complained of for neglecting their watch one night in the latter part of the night, for when Samuells Hodgkins and the other watch-man came to call them to doe their duty, they laye still and did not attend it. Joseph

Benham being present said that he had hired a man to watch for him, but he was told he whom he heird was insufficient and not allowed of; he said they should haue told him so before; he was answered that he should haue looked to that and seen that his man had bine accepted, and then he might haue taken his rest. The Court agreed, judging both cases a like, that Jn^o & Joseph Benham paye each of them fve shillings as a fine to y^e Towne, and if those whom they hired haue neglected their duty they may require right of them: /

An action was entred by Allen Ball against Jeremiah Whitnell and Jeremiah Johnson for the loss of a cow of his the last Spring, as he conceiues by their neglect who kept the heard that day and the Court heard sundrie debates on both sides, and vnderstanding that they had before bine vpon some treaty to put it to arbytration, advised them therunto, to w^{ch} they [226] all agreed, and Allen Ball chose Deacon Miles, Jeremiah Whitnell chose Abraham Dowlitle, and Jeremiah Johnson chose Jn^o Coop^r, and what end they make in the buisnes, they all agreed to stand to. Also some differrenc betwixt Allen Ball and Jer. Johnson aboute some further damage Allen hath suffered by his neglect and breach of promise, not helping him in hey-time as he should, and for w^{ch} he had p^d him before hand, is also by them referred to Brother Miles and Brother Cooper, to end and issue betwixt them.

Jeremiah Johnson was complained of for other gross miscarriages & beside a lose idell way of liuing vp and downe here & there wearying out diuers families where he hath bine, he had spoken like a verey Athist, scoffing at the word of God, as was now declared to him, and he was now warned to attend the next Court to answer, and was left in the Marshalls hand till he might put in securitie for his said appearanc: /

Edward Perkins declared that in the Spring last he sowed aboute two ac^rs of pease in his lott, and after they were come vpp ther came in hoggs at M^r Stendams* fenc and spoyled them so that he had not aboue two bushells of pease of them; but he then got the damag viewed by John Coop^r and Samuell Whitehead who judged his loss at least six bushell of pease, w^{ch} he hath demanded of M^r Stendam, but could not get them, and

* Steendam, a Dutchman.

therfore is forced to take this course for his releife:/ Richard Beech, attorney for M^r Stendam, said that M^r Stendam tooke notice of that fenc to be his, and knew it was defective, and had agreed wth men to make it new, and hath paid them all or part for it, but they neglected and did not performe according to promise, whereby this damage comes; he was told that if those men agreed wth haue not performed according to their ingagem^t, M^r Stendam may require his damage of y^m, but according to our Order, Edward Perkins doth but right to require it of M^r Stendam; and to cleere that the damage is six bushell, Jn^o Coop^r and Samuell Whitehead now in Court affirmed and said they thinke it was rather more then less: and to cleere that the hoggs came in at M^r Stendams fenc, diuers did now testifie, who saw a common tract through the same, and the view^rs now declared that they often warned M^r Stendam of it, but could get no redress, and because he was a stranger, they were loath to summon him to y^e Court. The Court, hauing heard what was said on both sides, declared by way of sentenc that M^r Stendam must paye Edward Perkins six bushell of pease and the charges of y^e Court aboute Action or Witnesses, & if M^r Stendam see cause he may seeke remedy from those who were to doe his fenc and did it not:/

Richard Hull propounded that he had some estate of his kins-womans Hannah Hulls* in his hand, and she beeing at age [227] desires that two cattell he had may be put into M^r Atwaters hand. The Court consented, if it appeare to be her desire, and told him that he must take a receipt of M^r Atwater that he hath receiued so much of her estate by her appointm^t:/

Josias Stanbrough and Alce his wife, formerly the wife of Tho. Wheeler, passeth ouer to Allexander Feild the house that was Thomas Wheelers, and the home lot, being aboute one ac^r of ground, wth a barne vpon it, and fenc belonging to it, lying betwixt M^r Euance his lot and that w^{ch} was M^{ris} Constables, w^{ch} they haue now sould to Thomas Tuttill.

Allexander Feild was told that the Court vnderstand that he is aboute to marry wth the Widdow Mansfeild, and therfore before marriage it is required that he ingage for y^e portions of the children of Richard Mansfeild deceased, w^{ch} according to

* Probably daughter of his brother Andrew, who died in 1640.

the inuentorie giuen in will come to 263:13:4^d; and he now ingaged that the portions of the said children shall be made good to them as they come to age to receiue it.

And he also now ingageth that she shall haue libertie to giue out of her owne part tenn pound to her kinsman Daniell, who now liues wth her, and tenn pound to Zubah, a litle girle w^{ch} she hath kept from a child; Daniell to be p^d when his time is out, and the girle when she comes at age, both in cuntry paye; and if after marriag God shall be pleased to take her away before him, it is hereby agreed that the meddow w^{ch} falls to her share, she shall haue libertie to dispose of it to her children as she sees cause, and to bestowe her owne clothes vpon whom she will; and for the part and portion of her sonn Moses, if God take him away before he come at age to receiue his portion, and her life be continewed, it is left to her to dispose of it as she shall see cause:/

Thomas Wheeler, Senio^r, passeth ouer to his daughter, w^{ch} was his sonns wife, now the wife of Josias Stanbrough, 4 ac^s of land in the first deuission of M^r Newmans qrt, and all his land and meddow on the east side, w^{ch} he bought of M^r Augar.

Thom. Wheeler, Sen^r, passeth ouer to Henry Glouer two ac^{rs} of land in the second deuission of M^r Newmans qrt, w^{ch} was part of M^{rs} Eldreds.

Henry Glouer passeth ouer to Thom. Wheeler two ac^s of land in the first deuission of M^r Newmans qrt, w^{ch} part of M^{rs} Eldreds.

Josias Stanbrough and his wife passeth ouer to Henry Bristow fourteene ac^s of meddow, nine of it in M^r Malbons lot, betwixt the meddow of Will Dauis and Timothy Ford, five in y^e west meddow on the other side of the riuer neere the bridg, betwixt the meddow of M^r Hooke and Richard Miles. They also pass ouer to him two ac^{rs} of land in the first deuission of M^r Newmans quarter.

Andrew Low passeth ouer to M^r Stanbrough & his wife two ac^s of [228] land in the first deuission of M^r Newmans quarter, w^{ch} was part of M^{rs} Eldreds lot.

Josias Stanbrough and his wife passeth ouer to James Eaton six Ac^{rs} of land in the first deuission of M^r Newmans quarter, w^{ch} was part of M^{rs} Eldreds lot, lying betwixt Henry Bristow

and Goodman Tod, and six ac's in the Yorksheire quarter, w^{ch} Tho. Wheeler bought of John Gregory wth his house, lying betwixt the land of Edward Perkins and y^e land of the said James Eaton.

The said Josias and his wife passeth ouer to John Johnson six ac's of land in the Yorksheir quarter, betwixt the land of James Bishop and Christopher Tod, w^{ch} Tho. Wheeler bought of Edward Wiglesworth.

They pass ouer to Thomas Barnes that land and medow w^{ch} is on the east side, that Thom. Wheeler their father now passed ouer to them, wth what other right in land they haue on that side the riuier: /

The said Josias and his wife pass ouer to Thomas Meekes six ac's of land in the third deuission of M^r Newmans quarter, w^{ch} Thomas Wheeler bought of John Tompson: Tho. Meeks saith he bought and pd for six ac's more, but cannot fully cleere it, nor did they show where they had so much to sell.

They pass ouer to M^r Goodanhouse twelue ac's of land in the second deuission of M^r Newmans quarter, betwixt the land of William Judson and Robert Talmage.

The said Josias and his wife passeth ouer to Thomas Tuttill the house and home lott w^{ch} Tho. Wheeler bought of Richard Miles, w^{ch} was M^{rs} Constables, wth y^e fenc belonging to it, and the corne that is sowed vpon it: /

A GENERAL COURT FOR NEWHAUEN THE 14TH 9TH MO 1657

The Gouvernor informed that the occasion of this meeting is aboute the Iron-worke. M^r Winthrop hath let out his part to two in Boston, Capt. Clarke and M^r Paine, for seuen yeeres, vpon termes as they haue agreed. If the Towne haue any thing to propound in the case, they may now speake. The grant was first made by the Towne vpon publique respects to bring trade, but if M^r Winthrop may put of his, M^r Goody^r may his, and so may the rest w^{ch} haue adventured in it, and so the trade may be caried to other places, and a disorderly company of worke men brought in here, w^{ch} may be much annoyanc to the Towne. Ther was much debate aboute it, and in the issue it was referred

to the Court and Townsmen & John Coop^r to consider of what lymits may be set for it, and vpon what conditions it may be let, and all other questions w^{ch} concerns that buisnes, and whether Brandford men may haue libertie to cut wood for coales vpon our ground ec.:/

[229] AT A COURT HELD AT NEWHAUEN YE 5TH IITH MO 1657

Jeremiah Johnson was called before y^e Court and charged to be a prophane scoffer, speaking in a jesting manner and mocking way of the holy word of God; one time when a cow was swamped and he wth some others had lift her out, he said to y^e cow, goe thy way and sinn no more, least a worss thing come vnto the; another time beeing at a quarter meeting wher ther was occasion to speake against the said Jeremiah for his neglecting the trust committed to him in keepeing coves, and his brother Thomas Johnson beeing there witnessed against him for y^e same, he replied to him, thou sattest and spakest against thy brother, and slanderest thine owne mothers sonn; another time when another and he was going together, and being to part he s^d, goe you the broad way, and I will goe the narrow, in a jesting prophane scoffing manner. He denyed not these things but confessed he had formerly gine giuen to such prophane speeches, but he hopes this will be a warning to him. He was told also that hee hath bine complained of for falsnes in his dealing wth men, breach of promise, ingageing himselfe to worke and takeing paye before hand and then not performeing, beside a pilfering theefish diposition w^{ch} hath appeared as he knowes: he confessed this also, and said he hopes it shall be a warning to him. The Court told him this prophane scoffing against the Scriptures is a sinn of a high nature and deserues seueere corporall punishm^t, if y^e Court see cause to proceed at this time, but they rather incline to forbear it at present, but not pass it by, but shall wayte to see what fruite may come of this forbearance, & shall inquire after it, and if they receiue not y^e better satisfaction, he is lyable to be called in question againe for y^e same, when y^e Court please: /

Widdow Camp, some time y^e wife of Anthony Tompson of New-haven, appeared and informed y^e Court that she had paid

vnto Bridget Tompson, the daughter of her former husband, fifteene pound, w^{ch} was by will giuen to her as her portion, and John Tompson, sonn to the said Antony, now in Court acknowledged the receipt of y^e said fifteene pound, by his sisters appointment, as y^e said Bridget hath to y^e Courts satisfaction declared, and therefore now the said Widdow Camp, her mother in law, is discharged of y^e said portion.

John Tompson was asked what he hath alowed his sister in consideration therof, he hauing now had it in his hand as hers neere three yeares; he said he had not bine wanting that way, his sister had had aboue seuen pounds worth of things of him; he was told two things are just, first that he giue securitie to his sister for y^e said fifteene pound, secondly that he alow what is right as a recompenc to her; hee said he is willing to resigne it, and therefore thinkes he is not bound to doe any such thing, but was told his sister is not here, and therefore she may be spoken wth and it may be further considered next Court: /

Edward Parker desired the Court to put some issue to the buisnes concerning Samuell Potters cow, w^{ch} is in the hand of his sonn in law Samuell Blacksley* by the Courts consent in way of hire: [230] but now he desires if the Court thinks fitt to take her as his owne and paye Samuell Potter such a somme when he comes at age (w^{ch} will be aboute three yeares henc) as the Court shall judg equall. The Court were willing provided that securitie may be giuen that Samuell Potter suffer not wrong, and y^e Court desired M^r Wakeman and Henry Lindon, two of y^e deputies, to treate wth them and agree aboute it: /

Samuell Hodgkins informed that the last weeke one Harrington, that liues in y^e Bay, brought heither and landed two caske of liquors, and hath disposed of some of it, and not made entry therof according to Order, and therefore he thinkes it is forfeite, and desires the benifit of y^e law in that case. The said Harrington confessed he had brought and landed some liquors, but knew not that it should be entered, but was told the Law hath bine and is sufficiently published, but beside that he was told by John Harriman that he must enter it, else it would be forfeite, yet not wthstanding he attended it not; he said that was but that morning the complainte was made; he was told if he

* Husband of Hannah Potter, Parker's step-daughter.

had had a minde to attend order, he would then haue applied himselfe thervnto, but he showed no care that way, but y^e contrary, saying in a discontented manner he would not sell it here but he would cary it away, ec.; & it is true he might, but if he bring it hither order must be attended. He said he had treated wth Richard Baldwin of Milford to sell it to him, and he had vndertaken to free him from all such charges; he was told, though he had, yet he must haue entered it, or else y^e Law is broken, and if any informe and require justice, wee cannot deny it; onely seeing in y^e Law ther is in some case power in this Court to mittigate, and that he saith he was ignorant y^t he should enter it, w^{ch} doth not fully appeare, yet the Court is willing to make vse of that libertie in this case, and therfore the liquor beeing in all as it is acknowledged foure ancho^rs at least, w^{ch} is according to what he demands for it valewed at twenty pound, he is to pay one quarter therof, w^{ch} is fiue pound; halfe of it is to goe to Samuell Hodgkins the informer, and y^e other halfe to y^e Jurisdiction: /

Henry Gibbons passeth ouer to John Harriman six ac^s of land in y^e subuerbs quarter, on this side y^e west riuer, betwixt the land of y^e said Henry Gibbons and y^e highway, and is part of that land w^{ch} did belong to M^r Trobridg: /

[231] AT A COURT HELD AT NEW HAUEN YE 2D ITH MO 1657/58

An Inuentorie of the estate of John Jones late of New-hauen deceased was p^rsented, dated the 10th day of the 10th m^o 1657, prised by John Nash, Mathew Moulthrop, and Jeruice Boykin, amount^g to 311^l:04^s:11^d, and Joane Jones the widdow of the deceased affirmed vpon oath that this now presented is a full inuentorie of the estate left by her husband, so farr as she knowes, except something of his apparrell w^{ch} she disposed of before she considered of bringing in y^e inuentorie; and the three apprisers before named tooke oath that y^e apprisment is just, according to their best light.

Widdow Peaken entered an action against John Tompson, Jun^r, for a debt of 6^l:10^s:9^d remaining due to her for worke done by her husband for the said Jn^o Tompson, w^{ch} he ingaged

to paye the first of March, in wheat and pease, at 4^s:6^d: a bush. wheate and 3^s:6^d pease, as appeares by a writeing of agreem^t vnder the hands of the said Jn^o Tompson and Jn^o Peaken, but Jn^o Tompson she saith denyes to paye her so much, though it appeare clearly due by her husbands booke: Whervpon the agreem^t was read and y^e booke was veiued and y^e particulers read also wher-by it appeared that so much is due: but John Tompson objected that Goodman Peaken allowed worke-men victualls & drinke, for w^{ch} he charges 9^d a day, w^{ch} he is not to allow, and hee provided tooles for the worke, w^{ch} is in this acco^t, w^{ch} he thinkes he is not to paye for, and also demands 3^s a day for his owne laboure, w^{ch} he thinks is too much; all w^{ch} were considered, and he was told that by the agreem^t vnder his owne hand what should be expended vpon a just acco^t by Jn^o Peaken, either vpon workemen or making preparation for the worke, he was to allowe, and for his 3^s a day, seeing he was the master workeman, and (as was now testified) at it early and late, they thinke 3^s a day may be allowed.

Goodwife Peaken was told that she is very quick in prosecuting, seeing the money were due but yesterday, and he said he refused not to paye what appeared just; she seemed to say otherwise, and that she did it now, not knowing but before another Court he might be gone abroad to sea, and she hath need of her due. Both parties haueing said what they would in the case, the Court declared that according to Goodman Peakins booke 6^l.10^s.9^d is due, against w^{ch} Jno Tompson cannot justly object, and therefore they judg it just that Jn^o Tompson paye her the said somme according to his agreem^t; onely 3^d a day is to be when he hired men taken of from y^e acco^t for euery day that he charged 2^s 9^d a he hired, that wher 9^d is charged, it is to day, and boyes 1^s 9^d be but 6^d; and for the tooles and prouision made for this worke for w^{ch} Jn^o Tompson payes in this acco^t, that they be deliuered to him as his owne; and for the charges of the Court, considering [232] the shortnes of time it hath bine due and that hee proffered (as he saith) just satisfaction wthout coming to y^e Court and would now haue had it ended by indifferent men wthout y^e Court (but she refused), it is to be borne betwixt them: /

Isack Hall appeared before the Court and declared that he was bound to M^r Hopkins in England to serve him or his assignes in

New-England, w^{ch} assigns was M^r Eaton who being now dead hee thinkes he is free; wherevpon his indenture was p^rsented by M^r Gilbert and read in Court, the said Isack owneing his hand & seale therto subscribed & set, and M^r Gilbert informed that M^r Eaton being weary of him he desired him to take him, and he haueing some need of a seruant and knowing his mother in England who had written to him to take some care of him, he was willing and tooke him for the time w^{ch} remained, y^e said Isack expressing his desire thervnto, and therevpon write to his mother last yeare and doubts not but he shall haue an answer this next summer. Isack is told that by his indenture he is M^r Gilberts seruant for the time remaining, and therefore it is his best course to be content and serue his master faithfully, else the Court must take another course wth him; but he caried it naughtly and stubbornly in y^e Court, for w^{ch} they thought to committ him, but vpon his submission and confession of his fault they agreed to forbear and Ordered him to attend y^e next Court, when they shall inquire of his cariage, and if it be satisfying he may haue y^e more fauour, but if not he must expect the Court will deale wth him for that and his miscariage now also: /

Serjant Jeffery informed the Court that while Jn^o Griffen & hee were partne^rs in a boate and went to sea together, they bought some saile cloath of M^r Pell for the vse of the boate, w^{ch} came to 32^s, w^{ch} was to paid for by them both equally, and one day Jn^o Griffen came to him in his house, his wife beeing present, and said M^r Pell required y^e paye for the cloth; he told him 16^s in wampome, and he caried it away, and he knew nothing but M^r Pell was p^d, but after Jn^o Griffen were drowned, M^r Pell s^d he was neuer p^d, and required it of him and threatened to sue him for it, whervpon he was faine to paye y^e 32^s againe, w^{ch} 32^s he thinkes is just should be alowed him out of John Griffens estate. Hee was told, though y^e Court can beleue him, yet because it is concerning an estate, aboute w^{ch} questions may arise from others, the Court can doe nothing satisfyingly wthout prooffe, and therefore was aduised to get a note vnder M^r Pells hand of y^e receipt of it of him and not of Jn^o Griffen, and likewise that his wife testifye that he pd his part (vizt, 16^s) to Jno Griffen before, and at next Court it might be issued: /

[233] Thomas Johnson had Order to take y^e timber that he attached of Thom. the Indians and let it be justly prised by Thomas Munson and Richard Hull; and likewise a pare of old bootes, to be prised by Abraham Dowlittle, and bring the acc^{ot} of it to the Court; and the Marshall was desired to get a note of what else ther is of y^e Indians in y^e Towne, that the Court may consider how it may be disposed of to those to whom it doth appeare due.

AT A GEN. COURT FOR NEW-HAUVEN YE 8TH ITH MO 1657/58

The Towne was acquainted that the principall cause of this meeting is aboute the mill;* it is much out of repare and much charge must be laid out, aboue 100^l, w^{ch} y^e owners are willing to doe, but those who are to vndertake the worke require help, that is six carpenters or at least men that can help forward such worke, and foure other worke-men, for 3 m^o, for w^{ch} they should be paid, but the Townsmen could not ingage in it wthout y^e Towns consent. But sinc this meeting were agreed vpon, the Townsmen haue receiued a letter from Serjant Fowler, who did intend to be here but is hindered by some present illnes vpon him, but he hath written, as appeares in his letter now read, that by reason of some words he hears from some in y^e Towne he is discouraged from laying out so much money vpon repaires; some say they can build a new mill when they please, they are not ingaged to this: some that they will sett vp a wind-mill, and other speeches to y^t purpose; so that he propounds that the Towne would buy his part for 40^l, or giue him libertie to take it away. Much debate was aboute it, and most incline to see if y^e beaour pond brooke can be brought to the Towne, that the mill might be set vp here; and for y^e more safe proceeding therin, they chose Thomas Munson, Jeruice Boykin, William Russell, and Jn^o Coop^r, to view and see whether it can bee done, and make their returne to the Townsmen, who wth the Deputies of y^e Court and Jn^o Cooper are appointed a committee for this buisnes, and y^e whole Towne p^rsent Voted that if this committee see cause vpon y^e returne of y^e viewers to goe on wth the worke,

* Built by William Fowler on Mill River.

then they are to call vpon euery family in the Towne, and belonging therto, for two dayes worke, w^{ch} they ingage to performe, aboute makeing y^e damm to see if y^e water will rise in y^e pond, of w^{ch} time to worke they are to haue 24 howrs warning, and then not to faile when called. They are to order the carying on y^e worke in y^e best manner they can for y^e good of the Towne; also to treat wth Brother Fowler aboute buying this old mill, or if this worke doe not goe on, yⁿ to ingage for the Towne vpon y^e repaire of it, prouided that they keepe y^e mills in case fitt to answer the Townes occasions; and if ther be any stick, and they see cause, they may call the Towne together againe to acquaint y^m wth it; & what they shall doe in this buisnes y^e Towne ingageth to stand too: /

[234] The Towns-men informed that they had Ordered the heards of coves in y^e Towne into foure parts and that there will be aboute sixtie in each heard, and the quarters belonging to each herd was now declared, that all men concerned might take notice of it and attend it, and if inconuenienc did attend any they might priuately agree and change wth others, as they could but what the townsmen haue done in it the Towne alowed of.

A note of fines for seuerall men cuting wood disorderly in y^e ox-pasture was p^rsented and Ordered to be recorded, & is in y^e margent.

An inuioze of the amunition and sundrie things belonging to the Towne, taken by the towns-men, was p^rsented, read, and Ordered to be recorded, w^{ch} is in y^e latter end of this booke. And that the Townsmen from yeare to yeare doe looke after them and see that ther be no wast or spoyle made of them, or any of them, and if any be disposed of the Towne is to haue acc^{ot} w^{ch} way they are gone: /

It is agreed that ypon the first lecture day, waights and measures shall be veiued, both before Lecture and after, by those who last viewed them, and the farmers are to haue notice of it that they may attend it: /

Mr Goodyer 6^s
W^m Thorp 5
Tho. Meekes 3
Jn^o Pondrson 4^s
Ric. Hull 3
Hen. Glouer 4
Mr Wakemaⁿ 5^s
Sam. Whithed 3
W^m Daus 2
Mr Gibbard 4
Jer. Whitnel 3^s
Ro. Talmag 2
Ro. Hill 3
Tho. Powell one
peck of pease

The Townsmen propounded concerning rent to be paide for the land in y^e ox pasture, but many objecting against it, time was giuen for further consideration.

The Order concerning payem^t of hemp, made 9th 12th m^o 1656, was complained of by the Townsmen as not attended, though the occasions of the Towne doe very much require that ropes be provided. It was now againe agreed to be forthwth paide in :/

The Townesmen informed that Milford men haue complained that this Towne doth not attend the burning the woods vpon the west side, neere whereby our cattell doe come downe vpon their common, to their prejudice, and therfore they haue appointed to this worke Henry Lindon, Abraham Dowlittle, Jeremiah Whitnel, and John Tompson, to doe it this yeare :/

The ladders, w^{ch} by Order are to be kept to mens houses, are to bee looked after, and for a chimney sweeper the Townsmen informed they can preuayle wth no man to doe it for y^e Towne :/

The Townsmen acquainted the Towne that Sam: Whitehead, Timothy Ford, Thomas Lamson, Isack Beecher, and William Willmot haue propounded to them to haue each halfe an acer of ground w^{ch} lyes betwixt two brookes toward the West Rock, w^{ch} ground they intend to plant wth hoppes, and they apprehending it would be no inconuenienc to the Towne, but if it attayne the end a benifit, hoppes being much wanting, haue granted it to them for tenn yeares, and then to leaue it to y^e Towne, except they then see cause to make them [235] a new grant. Diuers in the Towne spake to it, as well knowing the place where it lyes, and vpon the grounds before mentioned, the Townsmen haueing done it, they confirme y^e grant, provided y^t lyes betwixt the two brookes, or riuers.

The banisters and rayles on the meetinghouse topp being rotten and in danger of falling, is ordered to be taken downe, and the platforme securied in y^e best manner it can for the preseruacion of the meetinghouse from damage :/

The Tanner had libertie to fall trees to get barke for the vse of his trade, vpon the common* wthin two mile of the Towne :/

M^r Tuttill propounded something aboute fences, viz^t, that other men beside viuers might haue libertie to prosecute by way of

* The common field, west of the Beaver Pond district.

distress, wher fences are faultie, and not mended after warning, but nothing was done in it at this time: /

Jeruice Boykin propounded to be freed from his place of a Serjant, but it is left to further consideration: /

AT A COURT HELD AT NEWHAUEN THE IOTH DAY OF THE FIRST MONETH, 1657/58: M^r Leete and M^r Fenn* being called in to asist New-hauen Plantation Court: /

Humphry Norton, a Quaker, was sent heither a prisoner from Southhold, and wth him seuerall letters and pap^{rs} as euidenc, declaring against him. He was asked what call he had to make disturbanc at Southhold, goeing into y^e meetinghouse vpon the Lords day and ther speakeing in publique, witnesing against M^r Youngs, y^e pastour of that church, ec. Hee would giue no answer, but desired his charges might be read, wherevpon it was declared

1. That he hath greiuously and in manyfoldwise traduced, slandered, & reproached M^r Youngs, pastour of the church at Southhold, in his good name and the honnour due to him for his workes sake, together wth his ministrie and all our ministers & ordinances.

2. That he hath indeauoured to seduce the people from their due attendanc vpon the ministrie and the sound doctrins of our religion, settled in this Colonye.

3. That he hath indeauoured to spread sundrie heritticall opinions, and that vnder expressions w^{ch} hold forth some degree of blasphemy, and to corrupt the minds of people therein.

4. That he hath indeauoured to villifye or nullify the just authoritie of the Magistracy and Gouernment here settled:

5. That in all these miscariages he hath endeauoured to disturbe the peace of this Jurisdiction.

These charges render him guilty of the breach of two of our Lawes at least, that against Herrisy, and that against disturbers of the publique peace; and for the proofof the things charged,

* William Leete, of Guilford, and Benjamin Fenn, of Milford, were Magistrates of the Colony.

the pap^rs that came wth him doe sufficiently testifie, vnto w^{ch} his owne hand is subscribed, onely for his disturbanc in y^e meeting [236] at Southold three letters from thenc doth declare. He said that the reading of his pap^rs should satisfy, whervpon they were read: first, a pap^r superscribed, The Wisdome of God in a Mistery, w^{ch} he owned; secondly, Some particulers to Magistrats and Rulers: thirdly, a pap^r directed to all that deny perfection, also an Answer of M^r Youngs to this, and the replie of the said Humphry thervnto, wth another pap^r directed to such as say that wee deny y^e scripturs, all w^{ch} hee owned before y^e Court: wherin are seuerall horrible errorrs and reproaches, if not more.

Hee saith ther is no Scripture that speakes of a Sacrament, nor of infants baptisme, nor of a catholicke church nor a catholique faith, nor of inherent righteousnes, nor of originall sinn, nor of Christ merriits, nor of a naturall light, nor a light of nature, nor the light of a naturall conscienc, nor the light of Scripture, nor a written word of God, nor a vissible worshipp of God, nor a vissible Church, nor a vissible Couenant, nor a vissible faith, nor of vissible ordinances; and in y^e same pap^r further saith that touching originall sinn, ther is no such thing, & that none is charged wth any sinn but what they haue committed, and as for all such who speake of a Catholique church, and a Catholique faith, and inherent righteousnes, & of Christ merriits, they are all of that cursed stocke y^e Pope, and are guided by y^e spirit of witchcraft and idolatrie, whose merriits and all they bring forth is miserable wickedness, bloodshed, and crueltie; and in y^e close of that pap^r speaks of these ordinances as rudiments and beggerly eliments, w^{ch} are not to be touched, tasted, or handled, w^{ch} all perish wth the vseing.

In another pap^r he affirmes that men may be brought to perfection in this life, and those ministers w^{ch} tell people they cannot bee made perfect vpon earth, they tell an vntruth, and therfore they ought not to vphold them vpon earth, and further that all they who saye that people cannot liue wthout sinn, nor be freed from it while they are vpon earth, are lyars & doe err & make the comeing of Christ of none effect; therfore saith he, follow them no longer, least pertakeing of their sinns you pertake of their plagues; and for a sacrament he saith againe the Scripture declares no such thing, but y^e supper of y^e Lord they owne

& pertake off, and y^e one baptizme they owne is by one-Spirit into one body, and deny those washers that stand in meate & drinke and carnall ordinances, ec: this pap^r (touching perfection) being answered by M^r Youngs, pastour of y^e Church at Southold, the said Humphry makes a replye, in w^{ch} hee reproaches Mr Youngs, terming him a false prophet more then onc, and speaking of y^e waye they profess saith it hath bine hid, from ages and generations, and not to be found [237] in yo^r stinkeing channells of sinn and wickedness. He reproaches the ministers as epicurs and belly-Gods, and saith if men could be made seuen-fold more the children of y^e deuill then they are, (speakeing to M^r Youngs) thou, and such as thou, will doe it, who saith that they cannot be freed from sinn while they are vpon earth, and herein thou perswadest them to serue y^e deuill all their dayes; that he hath bine led by the spirit of delusion and goes aboute to make plaisters for his sores and beastly walkeing; that he is on wth y^e rude multitude and baser sort, applying y^e curse of God, Reu. 22, 18, 19, to him and all such as draw consequences from Scripture, and charges him wth wresting and belying the Scripture; & saith hee, may not thou as well say that the deuill can make saints as to say that weake and imperfect men can cary on Gods worke, chargeing him wth labouring to make God a lyar, and saith M^r Youngs words are darke and muddie words, applying to him y^e portion of Cham, Gen. 9, but saith he is worss, and speakes of him as one who for dishonest gaine deuours & destroyes soules, and that he knowes not y^e first principalls of y^e Oracles of God; and in y^e close of his pap^r charges him that his tongue is as a sharpe raisor forging lyes, and layes no less then 22 lyes to him, but intimats more in these words: these two & twenty lyes & ye rest are reprovued & replyed vnto, and returned into thy bosome from whenc they came, by thy frend, Humphry Norton.

In another pap^r, superscribed Some particulers to Magistrats & Rulers, his drift and scope seemes to be to ouerthrow ciuill gouern^t, and to hold forth that the most horrible sinnfull courses in men, such as Judas, Cain, or y^e false prophets that seduced the people, should not be punished by the Magistrate, but as if euery man should be left to his libertie to doe what he would, speakeing of them as y^e deuills seruants, & vnder the curss, and such as haue a worme in their consciences w^{ch} gnawes, because

they execute punishm^t vpon them w^{ch} he saith they haue nothing to doe wthall.

These are some heads of things in his pap^{rs}, but seuerall other may be found there that are very greiuouss:

Then was read a pap^r he sent to M^r Dauenport, sinc he laye here in prison, conteyning eighteene queries, w^{ch} he owned, w^{ch} pap^r is full of errour and reproach to M^r Dauenport and other ministers and our religion and the people that profess it, w^{ch} M^r Dauenport answered now in Court, before a great concourse of people, but therin y^e said Humphry was so vnruely wth his tongue, makeing disturbanc, as it was much hindranc to M^r Dauenport in speakeing and thoughe [238] hee were often by the Court commanded silence, and to speake in an orderly way, yet he would not attend it, but would goe on in a boisterous, bold manner of speakeing, vttering many words full of errour and reproach.

By this time, the day being farr spent, the Court adjourned, & in the after-noon sent for him to the place where they were, where before some Elders of this and the next Jurisdiction* and other people standing by, he was told he might haue libertie to speake what he had to say, and some questions were propounded to him, but he would not answer; so the next morning the Court satt againe, and he was called and told that seeing hee were silent when hee had libertie to speake, the Court might now stopp his mouth, yet notwithstanding if hee had anything to say against the prooffe of the things charged vpon him, he might now speake, w^{ch} he did freely, but therin vttered such abominable, erronious, reproachfull, wicked speeches, as the standers by w^{ch} were verely many spake against him, some saying it was not fitt he should be suffered, but by the help of God assisting some Elders present, he was wholely put to silenc, and would say no more. Wherefore the Court tooke the matter into seriouss consideration and haueing first declared the seuerall charges, wth the proofes of them, seuerally, taken out of y^e letters and his owne pap^{rs} before mentioned, they proceeded to sentence, wherein they are willing to goe in the lowest way the case will beare, so as they may but discharge a good conscience towards God, wth refference to such an offender; but the things beeing of such a nature and caryed

* Connecticut Colony.

wth such a high hand, both before he came hither and since also, they can doe no less then Order and declare that hee bee seuerly whipped and branded on the hand wth the letter H, for spreading his Herritticall opinions, and that he be excluded out of this Jurisdiction, not to returne any more into the same but vpon penaltie of the vtmost censure that the Law will inflict vpon him, and seeing the Jurisdiction hath bine put to much trouble and charge aboute him, that therfore he paye as a fine to the Jurisdiction tenn pound, to be recouered as they can, vnless he haue some frend that will paye it for him.

And wheras he desired a copie of his charges against him, the Court also declared that when he hath fulfilled y^e sentenc of y^e Court, he may.

And vpon the 13th instant, Yoss,* a Duch-man & baker at y^e Manhatoes, before the Magistrats manifested his willingness to paye the fine for him, if they would abate some part of it; he was told that wth respect to Norton they would abate nothing, but wth respect to him they would abate one third part, & so the said Yoss ingaged, the Treasurer also being by & M^r Goodanhouse, that wthin a moneth he will paye to y^e Treasurer in wampom (for that he propounded) six pound thirteene shillings foure pence: /

[239] AT A COURT HELD AT NEWHAUEN YE 6TH 2D MO 1658

An Inuentorie of the estate of John Peaken, late of Newhauen, deceased, was p^rsented, dated the first of February, 1657, prised by Thomas Munson and William Russell, amounting to one hundered forty one pound twelue shillings & two pence; and Elizabeth Peaken, y^e widdow of the deceased, affirmed vpon oath that this Inuentorie now presented is a true & full Inuentorie of her late husbands estate, so farr as she knowes, onely she hath heard of some debts owing to her husband in the Bay, but knowes not by whom nor how much; and the two apprisers before named tooke oath that the apprisem^t is just, according to their best light: /

Henry Line entered an action against James Mills, and declared that aboute the beginning of last June he put seuerall

* Probably Andries de Haas. See Records of New Amsterdam, i, 47.

things aboard M^r Mills his vessell to carry to Milford, among w^{ch} were 5 bush., 1 peck, of pease, to M^r Fenn, and two bush. of wheat to Farmer Clarke, but y^e wheat Farmer Clarke told him that he receiued it not, nor could M^r Mills now proue that he had deliuered it, though Henry Line by a receipt vnder M^r Mills his hand proued y^e puting of it aboard. M^r Mills said the time was too short for him to cleere his case: wherevpon he was told that if he put in scuritie to answer it next Court, he may haue time, but he refused and said hee would paye y^e two bush. of wheat and the charges of this Court; and if he sees cause will haue y^e case reueiued at another Court.

James Mills was complained of for not payeing rates; he said he is no settled inhabitant, but was told that the Law requires that those w^{ch} are inhabitants, or reputed so to be, must paye rates, & particularly vessells for w^{ch} most of his is are mentioned; he made many objections, but all of no weight to euade y^e thing, wherfore the Court declared that he must paye what is now due, w^{ch} the Treasurer said is 9^s:6^d: six shillings of w^{ch} is attached in y^e Marshalls hand, vpon this acc^{ot}: and he now paid y^e Treasurer 3^s 6^d more, and so the buisnes ended: /

The case depending betwixt Thomas Jeffery and John Griffens estate in consideration last Court, was now further spoken too, and Goodwife Jeffery now in Court affirmed that she did deliuer to John Griffen sixteene shillings in wampom, to cary to M^r Pell to paye for husbands part of the cloath bought for the vessell, and hee caryed it away, and brought a pewter dish back againe, w^{ch} he had to cary it in, and she thought he had paide it M^r Pell, but M^r Augar now affirmed that he heard M^r Pell say, and desired him to declare it to y^e Court, that he receiued it not of John Griffen, but did require it of Serjant Jeffery, and should recouer it, if he refused to paye otherwise; wherevpon the Court agreed and ordered that Thomas Jeffery shall haue p^d out of John Griffens estate thirty two shillings, that is 16^s for his owne part, and 16^s for y^e wampom he receiued of Serjant Jeffery and did not paye: /

[240] Some differrenc betwixt M^{ris} Goodyeare and Thomas Mullener was propounded to y^e Court, and y^e Magistrate declared that aboute 3 weekes agoe M^{ris} Goodyeare acquainted him that she heard Thom. Mullenner laid claime to more land then she

thought her husband had sould him; wherevpon it was appointed that M^{ris} Goodyeare and Thom. Mullenner should come to him two dayes after and bring his couenant hee had from M^r Goodyeare, w^{ch} was don; that being read and considered wth y^e Alienation recorded, it appeared that Thomas Mullenner had fenced in land that did not belonge to him, wherefore it was then agreed that Jn^o Brocket the suruayer should be sent for, to measure out Thom. Mullenners land, w^{ch} according to y^e Alienation is to lye neere M^r Malbons Cove & so runing to y^e sea; and Thom. Mullenner came a few dayes after, to know if he was sent for; he was answered yea; the Magistrate then spake to Thom. Mullenner not to hinder the suruayer in his worke when he came, but let him goe on quietly, and if his feild that is fenced in falls out of y^e line, it should be considered after; yet notwthstanding he hindered them, and when they set downe their sticks he pulled them vp and threw them away and would not suffer them to goe on, saying vnless they bound him hand and foote and caryed him to prison, he would hinder. Wherefore it is now propounded to the Court, what they judg of his cariage and how they would Order the line betwixt M^r Goodyeare and Thomas Mullenner to run:/ Thomas Mullenner owned that he did so cary it, and gaue this for the reason, because he could not otherwise witness against it, for if he had suffered it to be laide out he thought it would so remaine, w^{ch} he could not beare, and his wife was so troubled at it as he could hardly pacifye her: hee was told if the land be found none of his, he hath done the more wrong in fencing and possessing it so long: but to cleere his right to what he hath fenced, he presented the Agreem^t betwixt M^r Goodyeare and he, and pleaded from it that his meddow should joyne to his vpland, w^{ch} could not be if he had not this feild toward y^e sea; he was told, and James Clarke now affirmed before him, that M^r Goodyeare hath said to him that Thomas Mullenners land was to lye by M^r Malbons Cove, from Budds line to y^e sea, and that is farr off from this land that he hath fenced in & improved, and for that peece of meddow he hath neere that feild or in some part adjoyning to it, Thom. Mullenner had it by an after Agreem^t, for Tho. Mullenner was to haue all his thirty ac^s of meddow in that called M^r Malbons meddow, and then it answers his Couenant, and Thomas Mullenner himselfe told him that he was to haue all his meddow

in M^r Malbons meddow, and Timothy Ford and Thom. Johnson now in Court affirmed that Thomas Mullenner told [241] them that he was to haue all his meddow in M^r Malbons meddow, and Abraham Dowlittle said he heard Thom. Mullenner say, if M^r Goodyeare would let him haue that peece of meddow out of M^r Lambertons (w^{ch} lyes neere or adjoyning to y^e feild in question) he would take it for that he wanted in M^r Malbons cove; so said James Clarke, and George Smith to the same purpose. Thomas Mullenner pleaded that he had possessed it so longe, and M^r Goodyeare was there and saw it when he began to fence, but witnessed not against it; and brought John Walker, M^r Wake-mans man, and Edmund then M^r Hookes man, to testifye that M^r Goodyeare approved it, but they could say nothing to that purpose, and Thom. Mullenner hath bine told that ther is nothing appeares but M^r Goodyeare did witness against it, but it seemes M^r Goodyeare had an app^rhension that his proportion would take in neere all y^e Neck, w^{ch} was a great mistake, but might occasion M^r Goodyeare to say y^e less; and Thom. Mullenner was blamed that he would goe build and fenc & improve before his land was laid out. The Court haueing proceeded thus farr were willing to haue respited the buisnes for a time, hoping M^r Goodyeare might come,* who could giue some light in the case, and M^{ris} Goodyeare inclined to it: but Thomas Mullenner declared himsele vnwilling, and desired it might be now issued. Then Thomas Mullenner was told that whereas his Couenants saith his meddow must lye adjoyning to his vpland, it is in refferrenc to the meddow in M^r Malbons meddow, as is abundantly testified, the other being an agreem^t a considerable time after y^e bargaine was made, and it is knowne to him & others y^t M^r Goodyeare was in treaty wth some to procure meddow for that purpose, but not proceeding he came after to agree aboute this peece of meddow, lying for 12 ac^{rs}, out of M^r Lambertons meddow.

The Court haueing spent much time in hearing this case in y^e issue concluded that, according to y^e best light they haue, from y^e deed or Couenant, and from y^e Court Records of y^e Alienation, wth the seuerall witnesses that haue now spoken, they doe judg that Thomas Mullenner's land is to lye by the side of

* He went to England in 1657, but died there in 1658.

M^r Malbons Cove, running from the sea to the line betwixt the land that was Jn^o Budds and M^r Goodyeare; but if it should appeare that Thomas Mullenⁿ's house, or fenced land aboute his house, will not be taken in to his proportion by a straight line of equall breadth at both ends, foure men whom M^{ris} Goodyeare and Thomas Mullenner did now chuse, viz^t, M^r Tuttill and Goodman Judson by Thom. Mullenner, and John Coop^r and Abraham Dowlitle by M^{ris} Goodyeare, have power from this Court to vary the line, so as his house and fenced land aboute y^e house may be taken in; and for the fenced feild toward y^e sea, w^{ch} is conceiued will fall out of his proportion, that they view and consider of it, and informe y^e Court, that what is just may be alowed Thomas Mullenner, though he hath gone on to fence and improve in a disorderly way; and for his miscariage in hindering the suruayer, when he was, wth his consent, sent to lay out his land, and he spoken to by y^e Magistrat not to hinder him therein, the Court judg it at least a verey disorderly offensive cariage, and a breach of his ingagem^t to y^e Court of Magistrats, to w^{ch} Court in May next they refferr the issuing of this part of the buisnes:/*

[242] James Eaton informed the Court that Jeremiah Johnson hath stole from him at seuerall times sundrie things, first a paire of gloues, afterward a neckcloth, and denyed them both, but lately, aboute a moneth agoe, twenty two railes out of y^e woods, w^{ch} he denyed also; all w^{ch} Jeremiah Johnson now confessed in Court. Jeruic Boykin also informed that the said Jeremiah did one Saboth day in y^e meeting house steale a pare of gloues from a Scotch-man, w^{ch} boarded at Goodwife Jones, w^{ch} was after found out, and now confessed by himselfe. Jeremiah Johnson was told that there haue bine former miscariages of his of this nature, w^{ch} haue bine passed by in hope of amendment, but at the Court in January last he knowes how things passed concerning him, for prophane speeches concerning the Scriptures, for w^{ch} he deserued corporall punishment, but vpon his profession of sorrow and promise of amendment he was then forborne, but wth warning that if y^e like or other miscariages brought him heither againe, he must expect to bee dealt more sharpley wth; but y^e fruite that appeares is quite contrary to his promise and our

* See N. H. Colonial Records, ii, 254-55, 258-63, 292-93.

hopes, and therefore, considering that before, and this now, of stealing on y^e saboth day in y^e meeting house in meeting time, both w^{ch} shewes a notorious prophane spirit, for w^{ch} he is to be seuerely whipt, and for his theft charged, and by himselfe confessed, that hee make double restitution: /

John Benham, Senio^r, and Joseph Benham his sonn, who had a stocke of cattell in their hand three yeare, of y^e estate of y^e children of John Walker deceased, w^{ch} they parted wth last October, vpon w^{ch} acc^{ot}, things being reckoned in a due proportion, ther appeares due to y^e said children from y^e said Jn^o & Joseph Benham for profit ariseing out of y^e said cattell, beside what was deliuered in y^e stock, 4^l, 18^s, 6^d, and twenty fve shillings in part of a steere of y^e said stocke sould them, w^{ch} is in all six pounds, three shillings, six pence, w^{ch} the said John and Joseph Benham ingage themselues to paye in October next, in such paye as shall be to y^e Courts satisfaction, things beeing duely considered wth refferenc to them and the children also: /

[243] AT A GEN. COURT FOR NEW-HAVEN YE 19TH 2D MO 1658.

John Chidsey was admitted a Free-man, & tooke y^e Free-mans charge.

M^r Mathew Gilbert was nominated to be propounded to the seuerall plantations, according to Order, to be chosen Magistrate at the next Election.

The Towne was acquainted that ther is much more worke to be done at y^e damm begun at y^e beaur meddow, the water being risen more then was expected. It was much debated vpon, & in the issue concluded and voted by the Towne, that they will goe ouer the seuerall squadrons againe, two day worke a family as before, Leiuten^t Nash, & 3 or 4 more desenting, yet not-wthstanding it was agreed that the worke should goe on; and for some poore men that objected, it was said if they did but one day apeece, some others would make it vp.

The Towns-men acquainted the Towne to whom they should bring in the Acc^{ot} of their rates y^e first weeke in May next, for the yeare ensuing.

An Agreem^t made by the Committee, appointed 14th 9th m^o 57 to consider aboute y^e Iron-worke, was read to y^e Towne, and by Vote confirmed and to be entered: w^{ch} is as followeth:

At y^e Gouverno^rs house, Decemb^r first, 1657.

1. It is Agreed that the Iron-worke, propounded to and allowed by this Towne, and to w^{ch} they granted seuerall priuiledges, was and is onely this furnace now made in y^e place intended & expressed as appeareth by the records, wth a forge or two, if necessarie for the Iron this furnace produceth, w^{ch} are to be improved by the partners joyntly, wthin the limits allowed by this Court.

2. This Iron-worke, and all y^e priuiledges therevnto, were intended & granted for the good of New-hauen & Brainford, for bringing and settling a trade there, w^{ch} in whole or in a great measure they are like to be depriued of if any part of it be alienated, either to strangers or others out of this Jurisdiction. They therefore thinke it not safe that any part of it be sould, or leased out, wthout particuler and express leaue or lycense from the Towne or such a Committee as is appointed for house lotts or lands.

3. That our neighbours and frends of Brainford provide and supply their part of wood, w^{ch} is three eight parts, wth other things of like nature, from the land wthin their owne lymits, and that New-hauen doe y^e like for their fiue eight parts.

4. That all seruants, worke-men, and others employed in any respects aboute this Iron-worke, shall attend and be subject to all Orders and Lawes, allready made or w^{ch} shall be made and published [244] by this Towne or Jurisdiction, as other men.

5. That the grant made by Brainford to this Iron-worke be forthwth deliuered to the Secretarie here, that it may be perused and considered, as the grante made by New-hauen shall be to them, that these two plantations receive & beare their due proportions in profit & charge, as was at first provided for: /

M^r Gibbard acquainted the Towne that a frend of his in England hath sent a parcell of bookes to y^e Towne in way of thankfullnes for the kindness that he, y^e s^d M^r Gibbard, had receiued from them since his house was burned; and he now desired to know how the Towne would haue them disposed of.

It was declared that, seeing they are most of them latten Schoole bookes, they leaue it to him, the Schoole M^rst^r, & such other as they shall take in to advise wth for the disposing of them.

Thomas Mullenner propounded for a survaye of that land betwixt M^r Goodyere and he on y^e west side, for according to his apprehension he said there is more land vpon y^e plaine then will fall to M^r Goodyears proportion, and he haueing now much rocky land laid out may come to haue some more vpon y^e plaine and leaue some of y^e rocky land to y^e Towne for Common, ec. The Towne was free that a survaye should be taken, and sent word to M^{rs} Goodyeare that they thought it just it should be done.

Thomas Morris and William Russell were propounded to looke to these gunns in y^e Markit place also, but nothing concluded in it at present.

The particuler Court spake to-gether after meeting and agreed to giue leaue to M^r Wakeman to sell out some liquors, an anchor or some what more, to such as he thinkes may haue need of it and will not abuse themselues thereby.

The reason of this leaue is because there is none at y^e Ordinary to sell, and he might haue had this of y^e Treasurer, but would not.

[245] AT A GEN. COURT FOR NEW HAVEN YE 22TH 2D MO 1658

The Towne was acquainted that the occasion of this meeting is aboute the damm; it is apprehended by some that haue bine there last night, that ther is cause to feare a breach quickly, if some worke be not presently done. Also, there was some discouragm^t vpon y^e worke by reason of y^e difficultie, as it was thought, aboute bringing y^e water in y^e brooke that runns behind Jn^o Sackets into this; but that is now remoued, for there hath bine a view of it, and it is found to be more easie then was apprehended. It is conceiued it will not cost aboute 40^l. What was propounded was considered, and it was now agreed

that they will beginne to morrow to doe y^e worke agreed vpon last Court, and Serjant Boykins squadron is to goe first, then Serjant Whiteheads next day, Serjant Jeffery vpon y^e second day, and Serjant Munson on y^e third day, and so to follow it close till the worke be secure, as farr as they can attayne: /

The Treasurer propounded to know at what price he should take y^e hemp that is brought in to make ropes, and diuers apprehensions were aboute it, but in y^e issue it was consented to that it should be receiued at 12^d per ^l, provided it be good hemp and fitt for the worke: /

AT A COURT HELD AT NEW HAVEN YE 4TH 3D MO 1658

Samuell Hodgkins, plant^t, against Christopher Todd, declared that he the said Tod had slandered him, in reporting that hee y^e said Sam. deteyned two bushell of mault from Jn^o Harriman and carried it to his owne house; and to proue it brought William Bradley, but y^e said William could not affirme that Christopher Tod said that Sam. Hodgkins caried y^e mault to his house, but Goodman Tod told him that Sam. Hodgkins had fetchd some mault at Timothy Nashes for Goodman Harriman, and he said he had two bushell less then he had, and he hearing that Goodwife Harriman said it came not at her house, and y^t Timothy Nash affirmed and could prove y^e deliuerery of it from his house, thervpon he y^e said William made y^t inferenc, that Samuell Hodgkins had caried it home.

Christopher said that he was occasionally at Timothy Nash his house, and Samuell Hodgkins came in and asked for a brewing of mault, w^{ch} now he vnderstands is foure bushell; Goodman Nash not being well prayed his wife to deliuer it to him, w^{ch} it seems she did, but after when they came to reckon, Sam. Hodgkins denyed that he had foure bushell, and said he had but two, and that Goodman Tod could witness that he asked but for two, whervpon Timothy Nash came to him and asked him; he told him that he rememberd that Sam. Hodgkins asked for a brewing of mault, but how much [246] that was he knew not; he said, foure bushell. Afterward Timothy Nash spake wth Sam. Hodgkins and told him he had foure bushells, and he could prove

it, and he would not lose the two bushell, but if he would not bring it to light, he would haue him before the Magistrate; and that night pretty late, Sam. Hodgkins came to him, y^e said Timothy, and told him he had forgot the two bushell of mault in question, but now he remembred that he had foure bushell. Timothy Nash being present said this was true, and added that Sam. Hodgkins had seuerall times denyed it, and that wth deepe protestations.

The Court haueing heard and considered these passages, told Sam Hodgkins that it may be he is not guilty of the thing as charged, yet certainly, as the case is represented, it hath an ill show, and for Goodman Tod he hath said nothing but what was the truth of y^e case; and therfore the Court by way of sentenc declared that Samuel Hodgkins hath entered this action against Christopher Tod wthout cause, and hath vnjustly molested him, and therin is the wrong doer, and therfore ought to satisfy, but Goodman Tod not being now present, they shall declare no further, but leaue him to take his course as he shall see cause, and wished Sam. Hodgkins to apply himselfe to him and make his peace, for he may justly come vpon him for damage in this case: /

William Peck was plant^t against Timothy Ford and diuers others for damage in his corne by swine through their fence; whose names and their seuerall defects were mentioned in a pap^r showed to y^e Court and againe deliuered to William Peck; and to prove what his damage was, Samuell Whitehead and Jn^o Tompson who veiued it declared that it was, as they judge, nine bushell of Indian corne; the defects in y^e fenc being reckoned vp were 33, and though it is possible and probable that y^e swine did not come in at all of y^m, yet because y^e Order runns that y^e fences y^t are defective, so as damag did or might come by y^m, are lyable to paye, therfore y^e Court agreed that each defect paye its proportion to this damage, w^{ch} being cast vp, wth y^e Court charges, ec., is euery defect eleuen penc; w^{ch} must be alowed William Peck, either in corne or other good paye: /

A differrenc betwixt Thomas Mullenner and Robert Deny was ended by Henry Lindon and Edward Parker, to whom they referred it; by w^{ch} award or agreem^t, Thomas Mullenner was to paye Rob^t Deny fifty shillings in Indian corne at 3^s per

bush; but now Robert Denny complained that he cannot get it. Thom. Mullenner being present could not deny but this was the agreem^t, but pleaded his corne was gon, but the Court now Ordered that Thomas Mullenner wthout delay paye the said Robert Denny [247] the said fifty shillings in good Indian corne at 3^s per bush., or in other paye, to his content; and if this be not speedily done, the Court must grant forth execution to seize it: /

Edward Camp propounded aboute a stray colt taken vp by him above three yeare agoe, and yet no owner hath appeared, though he hath taken such course as y^e law injoynd him to doe; and therfore he now desired to know whether this colt, (now a young mare) should wholly belonge to him, or any part to y^e Towne, seeing it was taken vp before this Order now printed was made, and while the former Order were in force, by w^{ch} it went all to y^e finder; and beside that, the mare is now abroad vnmarked, and so in danger to be lost. Wherefore y^e Court declared that he may marke her wth a Towne brand and his owne eare-marke, and may also vse her if he see cause; and for y^e full issue of it, they referr till the next Court: /

Edward Camp desired an abatem^t of a fine he is lyable to paye, but it is refferred to y^e next Towne meeting: /

AT A GEN. COURT HELD AT NEWHAVEN YE 17TH 3D MO 1658

John Allen was admitted a Free-man, and tooke y^e freemans charge.

M^r John Wakeman and M^r William Gibbard were chosen Deputies for y^e Gene^rll Jurisdiction Courts, for y^eeaere ensuing.

M^r Wakeman, M^r Gibbard, Leiuten^t Nash, and Ensigne London were chosen Deputies for y^e plantation Court at Newhauen for the yeare ensuing.

M^r Gibbard was chosen Secretarie for Newhauen for y^e yeare ensuing.

William Pecke was chosen Treasurer for Newhaven for the yeare ensuing.

Thomas Kimberley was chosen Marshall for y^e yeare ensuing.

John Gibbs, Henry Lindon, John Coop^r, Samuell Whitehead, Jeruice Boykin, Thomas Munson, and William Bradley were chosen Townsmen, for y^e yeare ensuing.

James Russell was chosen Clarke for y^e Trayne band, and is to haue such priueledg as by any Order here y^e Clarke is to haue.

A note from Brandford propounding M^r Crane to be chosen Magistrate at y^e next election was read to y^e Court.

An Order from Brainford concerning their grant to y^e Ironworke was read, but to be further considered.

It is Ordered concering workeing oxen that till the Court sees cause to alter it, they may goe vpon y^e Common, and if they be found in y^e cowes walke, or amonge them, it shall be acc^oted the transgression of any former Order.

The buisnes concerning the damm and a passage for bringing the water to the Towne for the mill, was spoken to, and first it was [248] propounded that those through whose land it must come, would express whether they be willing thervnto; wher-vpon Christopher Todd, James Eaton, Robert Talmage, and William Judson gaue their consent, and Ephraim Penington, & Samuell Blacksley, who haue land in y^t quarter, through w^{ch} it must come, were not present, but it was said that they are free to it. M^r Tuttill objected against the comeing of it through his home lot, and that it will be a great damage to him; he was told a just alowance must be made to him, and vpon them termes he cannot fairely deny it; and if he should, yet for y^e furtheranc of so publique a worke, so much for y^e good of y^e Towne, if it be accomplished, the Towne may take it, and giue a consideration as indifferrent men shall judg meete.

And for the carying on the worke, both in refferrence to y^e damm and makeing the way for the water to runn in, the Towne agreed and Ordered that the worke that is behinde in y^e seuerall squadrons, both farmers and others, be called for, and if any refuse that their names be returned to y^e Court, that they may inquire the reason and doe what shall be just in the case. And for the future, it is conceived that it is a more just and equall way that it be caried on by rates, and therfore it is Ordered that one rate be forthwth pd by the Towne in labour, according as the worke doth require, the ordering of w^{ch}, both for time,

manner, and other circumstances, they leaue to y^e Committee at first chosen for this worke; and when vpon due warning any man is called to doe his worke, he is to attend it, according to the appointm^t of the said Committee or such as they shall intrust.

The Court of Magistrates sitting the first of June, 1658, y^e Court of New-haven sate not.

AT A GEN. COURT HELD AT NEW HAVEN THE IOTH OF JUNE, 1658.

The Gouvernour informed the Towne that the occasion of this meeting was, an information he had received from the Townsmen that the Order y^t was made, y^e last Court, for the carrying on the dam, trench, &c., was not attended. Brother Cowper* declared that hands came not in according to expectation, that when he gives warning to 10 or 12, it may be but 6 attend it, so that hee is much discouraged and sees not but that the worke will of necessity fall, except some other course be taken. He further informed y^t some were still behind of their first 4 dayes worke. Goodman Judson & Goodman Paine declared y^t they looke vpon it as a wrong to those that have done their part of the worke, y^t others should thus faile, & thereby occasion Towne-meetings, to their hinderance in their occasions. It was therefore propounded y^t some penalty might be added to the former order, which being considered & debated, it was at last issued by the vote of the whole Towne, y^t whosoeuer shall not attend this worke vpon 24 houres warning shall pay 4^s for euery default; but as for those y^t have already failed in not attending the worke, according to warning, shall for y^t part of it, being warned ouer night, be bound to attend it the next day vnder y^e aforesaid penalty of 4^s each day they faile, w^{ch} 4^s if not paid wthin 24 houres shall be taken by distress, wherewith others may be hired, y^t y^e worke bee not hindered.

* Or Cooper,—the two forms of the name being pronounced alike. With this meeting the new Secretary, Mr. Gibbard, begins his record,—his orthography varying in several particulars from Mr. Newman's.

[249] It was also propounded that the Sargeants & Corporalls with Bro. Cowper would bring in an acc^o of the worke done by euery family of that foure dayes which was formerly agreed vpon, y^t so those w^{ch} are behind may be cald vpon to fulfill what remaines dew from them.

The Townsmen informed y^t the hemp, formerly ordered to be p^d to the Treasurer, comes not in, y^t the work of the Necke Bridge is like to be hindered, w^{ch} being debated it was by the Court declared y^t though the half bushell of wheat might now be iustly required, instead of the 2^{lb}. of hemp, yet they were willing y^t what hemp is paid in this weeke shall be accepted, but not after, but the wheat will then be expected to be paid in the lieu of it; the Townsmen were desired y^t when this trial is made, if hemp come not in, then they to procure soe much as answeres the occasion, for such pay as they may, y^t the worke be not hindered for want of it.

It is ordered that the 3 poyson weeds, viz, henbane, nightshade, & that which beares the red berry, shall be destroyed, at least kept from seeding, in all home lots by the owner thereof, as also in all the streets in the Towne & round about the eight quarters of the Towne by the p^rsent proprietors on both sides, those y^t front vpon the creekes are to cleare to the creekes, the fronters on the market place to meet in the midst, w^{ch} is to be don this weeke, & soe from time to time, as at any time it shall arise. It was further ordered y^t noe man shall leave the roote of that poyson weede y^t beares the great red berry, in any of the streets aboue ground; whosoever shall offend in reference to the p^rmises shall pay for euery default as a fine to the Towne 5^s.

Deacon Miles propounded that one Windle,* a Duchman (who hath lived in his family & caried it well) desires y^t he may be admitted a planter with vs, against w^{ch} non objecting it was reffered to the Committee settled for admitting of planters.

A like motion was made by Brother Cowper, in behalf of a younge man, by trade a weaver, now liveing at Farmington, who hath an inclination to setle heare & follow his trade, might he have some encouragm^t; a home lot & a little meadow was spoken of. Bro. Cowper was desired to enquire after his conuersation, & if he find that, that satisfies him, then he, with the

* Probably Wendel.

rest of y^e Townsmen, to give such encouragm^t as they see meet, be being allowed a planter by the aboues^d Committee.

The Gouvernour propounded y^t the estate left by o^r late honoured Gouvern^r* might be freed from rates this yeare, to w^{ch} motion many declared their willingnes, non objecting ag^t it.

Leiftnn^t Nash, having declared himself free to the foregoing motion, desired y^t it might be propounded by y^e Deputies to y^e Generall Court, y^t henceforward, when there shall be any allowance given to men for publique service, y^t it might be don some other way, as may be thought meet, but that rates might be paid by all men according to o^r orders in y^t behalf.

Brother Bishopp declared y^t he conceived according to a rule of righteousness, orchards should be considered in the rates, but nothing was done in it further at this time.

[250] It was further propounded y^t something might be considered of & done, in token of o^r respect to M^{rs} Eaton, wife to o^r late honoured Gouvernour, being shortly to goe hence for Boston, to w^{ch} motion y^e Towne generally shewed their forwardnes. It was comitted to the Townsmen to procure at the Towne charge a footeman to attend her to the Bay: also that 4 or 6 horsemen might accompany her to Conecticot was spoken of, w^{ch} was left to further consideration.

Sageant Boykin declared to the Towne y^t the time agreed vpon with the men w^{ch} kept the horses for publique service is now out; he desired it might be considered how these horses should be supplied for the time to come, w^{ch} was left with y^e Townsmen, to treat with & agree with such as they shall judg fit for the service; but if they finde non y^t will vndertake it, then to acquaint the Towne with it at their next meeting.

The Secret^y acquainted the Towne y^t vpon his experience in the Generall Court & Court of Magistrates (besides other vnfitnes) he findes, as he had formerly told them, y^t his hand is much too slow for the Court; he therefore againe desired y^t the Court would proceed to some other choyce of some y^t may be more fitt for the service, to w^{ch} motion something being returned, by way of answere, nothing to alter the choyce was done at this time.

* Governor Eaton had died in January, 1658. His successor was Francis Newman, previously Secretary.

AT A GENERALL COURT HELD AT NEWHAVEN, YE I. OF JULY, 1658

The Gouvernour acquainted the Towne y^t y^e occasion of y^e meeting was, to publish the Orders made by the Gen. Court, w^{ch} Orders were read.

In attendance to an Order for branding of horses, & of another Order for entering & keeping a record of such horses or mares &c which are sould or shipped away, Roger Allen was chosen to doe y^t busines, but he beinge not yet returned out of England, Leiftennant Nash was appoynted to supply the place for a moneth, by which time, it was hoped, y^t Roger Allen might be here resident.

Mr Tuttle made complaint of vnruely doggs, w^{ch} hunt cattell in y^e night, w^{ch} was occasioned by biches going to y^e dogg. John Benhams bich was nominated, & he warned to take care of her. Another complaint being made concerning the Indians doggs, the Marshall was appoynted to speake to y^e Sagamour, y^t they attend a former agreement, w^{ch} was y^t no doggs of theirs be kept on this side.

The Towⁿsmen were desired to take care y^t ther horses & doggs, w^{ch} we are enioyned to keepe, by y^e law of y^e Jurisdiction, be in readines.

Corporall Dowlittle informed y^t the soldiers have often cal'd for the powther ordered by the Jurisdiction Court. It was declared y^t, the stocke being full, what belongs to them should bee delivered to them for their encouragement.

The Deputies of the Gen. Court propounded y^t help might be afforded, by such as are fitt, for the repaires of y^e prison, w^{ch} was left to them wth y^e Townsmen to take care of.

The Gouvernour haveing heard of a rumour in y^e Towne referring to our late honoured Gouvernour, concerning a somme of a 100^l given by M^r Nath. Riley of London, delivered to him by M^r Evance, w^{ch} seemed to reflect vpon him, declared the case. as it is exprest in his will, w^{ch} is as followeth: [251] And whereas I received of M^r John Evance, sometime of Newhaven, now settled in London, by order of M^r Nathaniell Riley of London y^e somme of a 100^l, for a legacy intended for the good of some part of New-England, though not soe expressed, I hereby declare y^t I have already delivered to o^r Reuerend Pastour, M^r John

Davenport, certaine bookes, lately belonging to my brother M^r Samuell Eaton, intended for the vse of a Colledg & apprizd, as I take it, to about or neare 20^l, as by my brothers account may appeare, as a part of the said 100^l, and further I have disbursed in rigging, iron worke, blocks, & other charges, seuerall yeares since, towards y^e shipp Fellowship, I conceive the whole remainder of the 100^l, all which is in y^e hands of M^r Stephen Goodyeare, as by an account he hath vnder my hand, or if it should fall any thing short, my will & minde is y^t it be dewly made vp out of my estate; the substance whereof being related, the Gouvernour thence inferred y^t o^r late Gouvernour might have given it to Boston or any other part of New England, but he gave it to Newhaven; he further said y^t he did verily belecue that he had disbursed the money, according as he hath expressed it, and it doth appeare in account vnder his owne hand about the shipp that about ¹ is laid out in that vndertakeing, w^{ch} we may raitionally judg he intended for y^e good of y^e Towne, & therefore if it soe fall out by the providence of God y^t losse comes vpon it, he judged y^t the Towne should be contented, as well as perticuler men, when crost in their vndertakeings, which being related non objected as vnsatisfied.

It beinge informed y^t the pound was defective, y^e Townsmen were desired to get it repaired, & to procure a locke for y^e gate of it.

The Townes musketts were comitted to y^e keepinge of Leiften^t Nash.

The Towne agreed y^t y^e perticuler Court next may be forborne, vnles some weighty occasion call for it.

Noe busines of weight p^rsenteing July 1658, the Court sate not.

AT A COURT HELD AT NEWHAVEN YE 3. OF AUGUST 1658.

W^m Meaker appeared to present an action of slaunder ag^t Thomas Mulliner, who appeared not, for w^{ch} neglect he is to give his answere the next Court.

John Jackson made an acknowledgm^t of his evill in vttering a groundles suspicion he had of Jacob Murline* (concerning some bacon he lost) for w^{ch} he professed his sorrow, & promised to cleare him, as occasion shall be presented.

AT A GEN. COURT HELD AT NEWHAVEN YE 21TH OF AUGUST 1658

The Gouvernour acquainted the Towne y^t y^e Treasurer & Townsmen had beene wth him & informed him y^t there is need of some rates to be leuied & paid, to ansvere the Townes occasions; w^{ch} being debated, it was Ordered that 2 rates be paid, the one by the middle of October next, the other by y^e middle of February following, in such pay & at such prises as was last ordered by y^e Jurisdiction Gen. Court.

[252] James Russell being formerly chosen Clarke to y^e band, he propounded that he might be freed from watching, w^{ch} the Towne not being willing to, he desired to be freed from the place, but it being debated, he consented to hold it for this yeare.

Deacon Miles informed y^t M^r Blinman† was like to want corne & other provisions wth in a short time, w^{ch} he desired might be considered, how he may be supplied.

Sargeant Boykin informed that Sargeant Munson & himself had lately had a treaty with Sargeant Fowler concerning his part of the mill, but whereas his price was formerly 40^l he now demands 50^l & y^t they had alsoe speech wth him about hiring his part for a yeare, but they agreed not. It was desired that y^e Towne would expresse their mindes whether they would rather buy or hire, w^{ch} was much debated, but in conclusion referred to Christopher Todd, Tho. Howell, W^m Tuttle, Abraham Dowlittle, W^m Pecke, Jer. Whitnell, W^m Gibbins, John Wakefeild, W^m Judson, Samuell Kitchell, wth y^e Committee formerly appoynted for this busines, the 8th of March, 57/58, to consider & determine w^{ch} they judg most for the Townes advantage.

* Also written Moline, Maline, Melyen.

† Rev. Richard Blinman, recently of New London, was now assisting Mr. Davenport, in Mr. Hooke's place.

Roger Allen being returned from England was now told y^t whereas y^e Towne had formerly chosen him to be y^e publique brander of horses, soe they had also appoynted him to take notice & to keepe a record of what horses or mares, &c are sould or shipped out of this Towne, wth what els is ordered in y^t case by the Jurisdiction Gen. Court in May last, w^{ch} he might vnderstand from the Secretary, & have a copy of it.

There was no Court held the of September, 1658.

AT A MEETINGE OF YE COURT YE 4TH OF SEPTEMBR 1658.

M^{rs} Goodyear having heard of the death of her husband, M^r Goodyear, y^t it might appeare that she intended righteousness towards y^e creditors to y^t estate, she did resigne vp the estate to y^e Court for the vse of y^e creditors, y^e books of accounts wth all bills, bonds, &c. are to be locked vp & the key kept by y^e Magistrate.

AT A COURT HELD AT NEWHAVEN THE 5TH OF OCTOBER, 1658

Tho. Mulliner appeareing in Court, was told that vpon a complaint of his servant Stephen Peirson he was warned to appeare at 9 of the clocke before the Court in August, but hee came not; he was therefore now to give his account of it; to w^{ch} he answered y^t he was appoynted to bring his boy wth him, but he could not finde him, he being gone out of the way; he was tould y^t he should have secured the boy, but he professing y^t it was not out of any disrespect to authority, y^e Court past it by; w^{ch} done Stephen Peirson complained of wrong he hath received from his M^r; who declared y^t he was bound to his M^r in England for 7 yeares, in w^{ch} time he was to teach him y^e trade of a house carpenter, but whereas 4 yeares & more of y^e 7 is past, he hath taught him but little, y^t he knowes not how to hew a peice of timber; he further declared that his master had 3^l in money with him, which his M^r denied not, & y^t then he

had good cloathes, w^{ch} now he hath but few; he was told y^t for his cloathes, it would be considered in the season; but for the busines of the trade, M^r Mulliner was tould y^t requires time & y^t there seemes to be a neglect, y^t he hath not beene kept to the trade the 4 yeares past; to w^{ch} M^r Mulliner answered y^t when he had worke at his trade he was set about it, & y^t he had already entered him in y^e trade so far y^t there was [253] a roofoe of a barne which he hewed & a gate which he made himself; he also said y^t he had spoken to Sargeant Munson to perfect him in his trade; to which Sargeant Munson now answered that M^r Mulliner did speake to him, but he could not vndertake to fulfill y^e indenture, but if it might be thought to be for the good of y^e boy he would doe what he could. M^r Mulliner was tould y^t he hath neglected his duty towards the boy, & y^t it would be difficult to finde out a way to doe the boy right & to repaire his dammage. The Indenture beinge read was found very full; Tho. Mulliner was tould y^t the boyes mother was deluded, who expected her son should be taught y^e trade, but that is neglected & he kept to other imployments. It was demanded of him what way he could propound y^t y^e Indenture might be fulfilled, either by himself or any other, and it might be considered; to w^{ch} he givinge no satisfying answere, some Carpenters beinge p^sent were desired to express whether in the time remaining he might learne y^e trade; to w^{ch} Sargeant Munson answered y^t there was no hope that he should be taught according to y^e Indenture; but that he might learne it according to the vsuall way of this country, something might be said. The boy was desired to speake what it was y^t he desired; he answered y^t his desire was y^t he might be taught the trade; w^{ch} the Court takeing into consideration, judged raitionall, but how to accomplish they saw not. It was propounded by Sargeant Boykin y^t he might be sent into y^e Bay & placed wth some carpenter there y^t constantly followes his trade; w^{ch} beinge debated was thought to be attended wth difficulties & inconveniences; wherefore y^e Court declared y^t they would further consider of the case. The boy also was advised to consider of it, & advise with any freinds what may be for his good; w^{ch} he haveing done, Sargeant Boykin declared to y^e Court y^t he haveing spoken with y^e boy, he findes y^t he most inclineth to y^e trade of a Carpenter, but if y^t cannot be, then to

learne the trade of a cowper, w^{ch} was left to consideration till y^e next Court, at w^{ch} time both Tho. Mulliner & his man Stephen Peirson are to make their appearance.

Deacon Miles, David Atwater, & William Bradly, being desired to devide y^e lands & other estate of Richard Mansfeild, deceased, betweene the widdow & the 2 sonnes, now gave it in to y^e Court, w^{ch} was accepted by M^r Feild, who married y^e widdow, also by her & Joseph & Moses Mansfeild, & approued by y^e Court; y^e particulers of each part are to be recorded in y^e booke of wills & inventories.

Will. Meaker entered an action of slaunder against Tho Mulliner; who declared that y^e said Thomas Mulliner had spoken words tending to his defamation, in saying y^t he offered in Court to take a falce oath; vnto which Thomas Mulliner answered by demanding who it was y^t heard him say soe; he was told by y^e planteife y^t he said so at the Gouvernours; to w^{ch} y^e Gouvernour said y^t Tho. Mulliner knew it was soe, y^t when W^m Meaker declared before him y^t Tho. Mulliner had said that he offered to take a falce oath, y^t he denied it not, but went about to proue it & mentioned Edward Parker as one y^t could proue it; but Edward Parker now in Court declared himself thus, that M^r Mulliner having said y^t he had vsed all meanes to have his land laid out, William Meaker replied that he durst [254] take his oath y^t he had not, then he asked him how he could take such an oath, but y^t he offered to take a falce oath Ed. Parker said not, for to make it appeare y^t Tho. Mulliner had not vsed all meanes to have his land laid out, William Meaker affirmed y^t Tho. Mulliner had said y^t his land should not be laid out; but Tho. Mulliner answered y^t y^t speech of his referred to y^e manner, y^t he would not have it so laid out, but that he had vsed all meanes wth M^r Goodyeare to have it done he still affirmed, but was told y^t it is not so, for if vpon his speaking to M^r Goodyeare it had not been done, he might have acquainted the Court wth it, who would have seene y^t right should have been done him. Seuerall other things were alleadged ag^t him by William Meaker & Geo. Smith, as his cutting of a hoggs taile, w^{ch} he supposed was W^m Meakers, his vttering of threatening words, &c, w^{ch} being not to the case in hand, the Court haveing witnessed against as offensive passages warned Tho. Mulliner to appeare before y^e

Court of Magistrates next, to answer what shall then be alleadged against him, after w^{ch} they proceeded to give sentence in y^e case now vnder consideration, w^{ch} was this, that in refference to y^e slaunder vttered against Will. Meaker by Tho. Mulliner, he shall in way of reparation pay vnto him 20^s & 10^s more in refference to the time spent & charge he hath beene at, both at this time & at y^e Court in August last (w^{ch} was through his default) in y^e prosecution of this busines: which sentence being declared, W^m Meaker exprest y^t he would not require the 20^s of him, for it was not his estate y^t he sought, but that he might live peaceably by him, w^{ch} the Court wisht Tho. Mulliner to consider of.

M^{rs} Goodyeare propounded Deacon Miles, Leiftennant Nash, Ensigne Lindon, Sargeant Munson, to apprise y^e estate of M^r Goodyeare, deceased, but Deacon Miles having much other busines vpon his desire was freed, & William Davis put in his steed.

M^r Nichols of Seabrooke demanded 4^l 4^s out of y^e estate of M^r Goodyeare, w^{ch} demand M^{rs} Goodier said she conceived was iust.

AT A COURT HELD AT NEWHAVEN THE 2D OF NOUEMBER 1658

William Bradly & John Allen* acquainted y^e Court y^t they had endeavoured to finde out the estate of their brother Daniell Bradly, deceased, as also the debts dew from him, w^{ch} they p^rsented in seuerall notes, w^{ch} being found imperfect, were delivered to them againe & they desired to perfect the account & to bring it into y^e Court the 7th of December next ensuing, to w^{ch} end they were ordered to give notice, by a writeing sett vpon the meeting house, to any y^t were debto^{rs} or creditors to y^t estate y^t they were desired to bring in their accounts, y^t soe a issue might then be put vnto y^t busines. Tho. Kimberly & John Cowper were desired to apprise [255] y^e estate, w^{ch} being done, liberty was given for y^e sale of a heipher & hoggs, at William Bradlies motion, w^{ch} he said would proue a damage to y^e estate, if not disposed of.

* John Alling (died 1691) married, Elena, a sister of Daniel, and half-sister of William Bradley.

James Russell, a veiwer of y^e late Gouvernours quarter, complained of a defective fence, belonging to M^r Winthrop, whereby the quarter was exposed to dammage. Tho. Kimberly informed y^t his sonne (who lives in M^r Winthrops house) tould him y^t had there not beene a disappointment, y^e fence had beene mended y^e last weeke, but this weeke it is likely to be done; w^{ch} being considered, & no man appearing to prosecute for any damage already sustain'd, the Court declared there willingnes to pass it, in reference to any fine, w^{ch} might be required by vertue of o^r orders, for former neglects.

Jo. Tompson, being warned to y^e Court to answer Tho. Morris in an action of defamation, Tho. Morris being disabled to attend y^e Court by reason of sicknes, Gervase Boykin his Attorney declared that the said John Tompson had spoken reproachfully concerning the said Tho. Morris; he being at Jeremiah Osburnes, they speakeing to him of the dearness of commodities, he answered, how could they be otherwise when workemen take so deare for their worke, instancing Tho. Morris, who demanded as he said 5^s a day, & Goodman Peakins 3^s a day. Another time being at Sargeant Jefferies, he said that he was a 100^l the worse for Tho. Morris, and that he had opprest him, and that he had not walked according to rules of righteousness towards him, wth other bad words.

Vnto which John Tompson answered; concerning that at Jer. Osburnes, I said not y^t Tho. Morris demanded 5^s a day, but this I said, that Tho. Morris said he could not maintaine his family vnder 5^s a day, & y^t he would not worke by y^e day, vnles he had such wages as y^t he might maintaine his family; at Sargeant Jefferies I said I app^rhended he did not as he would be done by, and to proue y^t it was so, I had seuerall reasons, but I was afterwards troubled y^t I had spoken so hastily. Jo. Tompson farther said y^t he being in debt some corne to Tho. Morris, & haveing it not ready, he tendered him goods, as indifferent men should judg them equivalent to corne, & y^t he tould him y^t he would do his vtmost endeavour to pay him in specie, according to engagem^t, but corne came not in; afterwards Tho. Morris came vp to him for his pay, & spake very roughly to him; he desired him to forbear, but he s^d he must have it; he tould him, he had it not vntill his debto^{rs} paid him, but he still pressing it,

he tould him he conceived it was not according to y^e law of loue, to require him to doe y^t w^{ch} was not in his power to doe.

Vnto which Gervase Boykin replied that there was great reason why Tho. Morris should be so earnest wth Jo. Tompson for corne, because he himself had engaged to pay corne to men y^t did help about y^e vessell, who suffered much in y^e want of it; and further he said y^t Tho. Morris did proffer him y^t if he would bring a note vnder y^e workemens hand y^t they were satisfied, he would rest in it. Gervase Boykin further s^d that when Tho. Morris demanded corne of him, he answered, he might thresh his owne.

[256] But Jo. Tompson said y^t he did tender Tho. Morris good maslin, but he would not receive it, & y^t his wife said she would rather make bread out of her wheat bran, vnto w^{ch} Tho. Morris gave a sattsifying answere the next Court.

. The Gouvernour told John Tompson that there was three things aleadged against; 1, y^t he had s^d y^t he was a 100^l the worse for Tho. Morris; secondly, y^t he had opprest him; thirdly, y^t he had not walked according to rules of righteousness towards him; he was asked if he could make out these things against Tho. Morris, to w^{ch} he answered he could doo't, but it would require time; he being againe asked if he could doe it, he waved the 2 last, & said he could make it good, that he was a 100^l the worse for him, y^e said Tho. Morris, but was not now ready; he therefore desired that the busines might be respitted vntil y^e next Court; he engageing in a bond of 50^l to attend y^e Court in Decemb^r next, it was granted.

Jer. Osburne being warned to y^e Court, was tould y^t y^e busines for w^{ch} he was warned to y^e Court was, for selling vnsealed leather, contrary to y^e law here established.

Sargeant Jefferies & Tho. Beaman, Sealers, being p^rsent, Thomas Beaman declared that they being at Jer. Osburnes to seale leather, there was 6 hides p^rsented, 3 of w^{ch} 6 were not fitt to be sealed, but he the said Jer. Osburne sould & delivered to M^r Feild one of these vnsealed hides.

To w^{ch} Jer. Osburne answered that he gave order to his man Thomas to deliver to M^r Feilds boy a sealed hide, but he delivered a hide w^{ch} was not sealed, by mistake; he was tould y^t vnder such p^rtences one hide & another might be sould, to y^e wrong of y^e country.

Sargeant Jefferies said that they slitt y^e hide before y^e man, therefore he would not but know y^t it was not sealed. Tho. Beaman said further y^t Jer. Osburne did proffer M^r Feild another hide y^t was not sealed, w^{ch} was at y^e curriers; to which Jer. Osburne answered y^t he had a hide at y^e curriers, which he intended for bodies & furniture for horses, but M^r Feild by his importunity gott a grant of it; he was tould y^t it was very offensive to proffer to sell vnsealed leather to M^r Feild or any other. Tho. Beaman further said y^t he saw vnsealed leather at y^e French shoemakers; he asked him of whose leather it was, to w^{ch} he said at first, it may be he bought it at Milford, but when he spake of acquainting the Gouvernour wth it, he then said he had it of Jer. Osburne; he being asked by y^e Court whether he had not sould vnsealed leather to y^e Frenchman, he said he knew not y^t he sould him y^e hide now in question. The law concerning sealing of leather was read, & he wisht to consider whether he had attended y^e law, & that when lawes are made according to God, how he goes out of the way in thus doing. The Court haveing heard & considered y^e case, by way of sentence declared y^t y^e first hide sould to M^r Feild by Jer. Osburne is clearly forfeited, the true vallew whereof he is to pay to the Treasurer; y^e other 2 they meddle not wth at this time.

The busines left to consideration y^e last Court, concerning Tho. Mulliner & Stephen Peirson was now called vpon, and Gervase Boykin [257] declared that he had spoken wth Nicholas Elsy concerning y^e boy, & findes him willing to take him for 5 yeeres, & therein to teach him the trade of a cowper, w^{ch} being propounded to Stephen Peirson, he was not willing to serve so longe, but 4 yeares hee consented to, but wthall propounded y^t the loss of time wth his former master might be considered & y^t he might have cloaths y^t were fitt for him.

Tho. Mulliner propounded to know whether he be bound to teach y^e boy any more then is in vse in New Engl^d, & so much he said he could doe; it was told him y^t he might easily answere himself out of his Indenture, w^{ch} being read was found very full, that he was to teach him y^e full art & trade of a house carpenter.

Nicholas Elsy desired that y^e boy might know what he might expect; he could not engage to keepe him constantly at the trade,

but desired that he might doe y^t which was for his good, but if the boy could mend himself, he desired he might. It was propounded that he might be there a fortnight vpon triall, vnto which they both consented.

It was also tould M^r Mulliner y^t he knowes what was determined by y^e Court of Magistrates concerning him, in October last, that y^e 50^l bond, wherein he stood bound to his good behaviour was declared to be forfeited, w^{ch} may be called for by y^e Court of Newhaven when they see cause; and that he engage in a bond of 50^l for his good behaviour for the time to come, for the performance whereof he is to put in security, to the satisfaction of this Court. Tho. Mulliner desired y^e Court to forbear him a while, he hoped he should wrong neither man, woman, nor child; to w^{ch} it was answered, how could y^e Court now take his word, haveing promised as much before, but made not good his promise, w^{ch} appeares by y^e Court records, w^{ch} being read he was tould y^t his bond was not at all attended to, and therefore y^e Court expects y^t he put in security for his good behaviour, vnto w^{ch} he answered, he could not; he was tould y^t y^e Court must not take his word any longer, but it being propounded by one of y^e deputies y^t his owne bond might be taken, y^e Court condescended to it; w^{ch} being propounded to him, he said, he would engage to remoue, but for any other engagement he would not, but would rather goe to prison, w^{ch} y^e Court confirmed, & committed him to y^e hands of the Marshall.

The business of y^e boy coming againe vnder consideration, it was propounded to Tho. Mulliner what security he could give in to answeere y^e Indenture, to w^{ch} he answered y^t men were wary how they engage for him. The Court haveing heard & considered y^e case, y^e sentence was declared, that they judge that Tho. Mulliner hath done the boy a great deale of wronge, in y^t he hath not been taught y^e trade of a Carpenter, according to y^e Indenture, & that therefore Tho. Mulliner deliver backe to Stephen Peirson y^e 3^l y^t he received of his mother, & 40^s more, to buy him such cloathes as he wants; the boy the Court intends to place wth Nicho. Elsy, only Tho. Mulliner hath liberty till y^e next Court to finde out a master for him, if he can, y^t may be more for his advantage, that y^e Court shall approue off, & it shall be considered.

[258] M^r Mulliner being brought from y^e prison, before y^e Court was asked what he had to propound; he answered, he desired y^t y^e Court would take his owne bond for his good behaviour. The Gouvernour tould him that the Court had offered him kindness but he refused it; that whereas y^e Court of Magistrates had ordered y^t he should putt in security for his good behaviour, this Court had proffered to take his owne bond, but he refused, yet the Court, notwithstanding his ill carridge, did not goe back from; wherevpon Tho. Mulliner did engage in a bond of 50^l for his good behaviour, and to attend y^e Court of Magistrates in May next, if he remaine an Inhabitant here, to answere what then may be alleadged against him.

AT A GEN. COURT HELD AT NEW-HAVEN YE 8TH OF NOUEMBR 1658.

The Gouvernour declared to y^e Towne y^t y^e meeting was desired by the Townsmen, to whom he should leave it to declare the occasion of it.

Sargeant Boykin certified that y^e Townsmen had chosen veiwers of fences for y^e yeare ensuinge, w^{ch} choyce was as followeth: for M^r Davenports quarter, W^m Paine, Timothy Nash; Subvrbs quarter, Roger Allen, John Herriman; Goodm. Judsons quarter, Rob^t Johnson, Christopher Tod; for y^e quarter next y^e Mill, Tho. Kimberly, Junio^r, Rob^t Talmadge; oxe-pasture, John Punderson, John Vinson; M^r Wakemans quarter, W^m Tuttle, Tho. Howell, who are to view y^t part from M^r Wakemans gate to y^e southward end of W^m Fowlers fence in y^e reare; for the other part of the fence, Jer. Whitnell, Jer. Osburne: w^{ch} 4 veiwers are enioyned onely to view their owne part of y^e fence, but have y^e power of viewers, in refference to all y^e fences of y^e quarter.

It is Ordered that a cartway through y^e oxe-pasture shall by y^e Townsmen be laid out in y^e most convenient place, to sute y^e Townes occasions towards y^e dam; the man in whose land it falls is to have iust allowance from y^e Treasurer.

It was propounded y^t a view might be taken, to see whether the water may not be brought through y^e quarter, for an ouershott Mill, against w^{ch} non objected, as to hinder it, though some

scruples were propounded concerning it. W^m Russell, John Cowper, William Gibbins were desired to take the leuell of y^e ground, and to report to the Towne, when the training is ended, how they finde it.

It was propounded that there might be bridges made ouer the New River, in y^e Mill lane & Neck lane, y^t there may be conueniency for passage when y^e frost shall sett in, w^{ch} was left to y^e Townsmen to take care of.

It was propounded y^t if any would vnd^rtake to build a new Mill, y^t they would propound their tearmes, but non appeared.

[259] AT A MEETING OF YE COURT AT YE GOUVERNOURS, NOUEMB 16,
1658

Hannah & Hope Lamberton acknowledged before y^e Court that they have each of them received the somme of 90^l. 18^s, 1^d 1/4, w^{ch} is the full portions dew to them out of their fathers estate; only they reserve liberty to plead what may be considerable, concerning any damage they have sustained in houses or lands (in w^{ch} they have an interest) by y^e default of their father-in-law, M^r Goodier, when they shall see cause soe to doe: it is heare to be noted that the portions aboue are included in that somme of 127^l. 6^s. 3^d. mentioned January 17th 1658, fol.

AT A COURT HELD AT NEW-HAVEN YE 7TH OF DECEMBR. 1658

W^m Trowbridg desired y^t James Davis & Hen. Allen, shoemakers, might have liberty till y^e spring to diett & lodg at his house, & to follow their trade in his sellar, & y^t John Allen, a sadler, might alsoe have license to follow his trade in one of his chambers. The Gouernour tould him y^t he vnderstood y^t it being knowne was disliked by some of y^e Towne, and he feared it might be a temptation to them, being all younge persons in y^e family; and further he tould them y^t he had heard y^t their hath beene a custom of shouell board in that house of late, & y^t mens servants do stay there at vnseasonable houres; which being propounded to John Tompson, who dwelt in y^e same house, he

answered y^t he denied not y^t there was some recreation vsed in y^e family, but for the other particuler, he beleueed it was not true. For the motion made by W^m Trowbridg, the Court tooke time to consider of it, & after gave answere that considering y^e sharpnes of y^e season y^t shoemakers cannot worke but in a cellar, where there is a fire, & they cannot be so fitted in another place, they gave way for it till next Court, & for y^e sadler also, he having not a convenient roome elsewhere, to follow his trade this winter.

The Gouvernour M^r Francis Newman passeth ouer to W^m Paine all y^e out lands which belonged to y^e lott, w^{ch} he bought, y^t was M^r Samuell Eatons, viz. 45 ac^s of vpland within y^e 2 mile, 41 ac^s of meadow, & 164 ac^s of vpland in y^e 2 division, & 9 ac^s in y^e necke, and his barne y^t is vpon y^e said lott, reserving the leantoo, & liberty for it to stand, to y^e s^d Francis Newman, w^{ch} is at the southwest end next his house; also y^e said William is to have a peice of the home lott, w^{ch} is to run from y^e corner post of y^e barne y^t is next the street, & next the dwelling house of y^e said Francis, in a strait line to y^e fence next y^e street, with y^e barne as it stands, & then from y^e corner post of y^e barne y^t is next y^e street at y^e other end, in a straight line to y^e further end of y^e lott next M^r Tuttlles lott, so as it may hold y^e same breadth at further end as it doth at this end, & that y^e said Will^m doth make & from time to time maintaine a good fence betwixt y^e said yards & lotts.

The last will & testament of Tho. Nash, made the first of August, 1657, was by Timothy Nash, his sonne, p^rsented to the Court, being attested [260] vpon oath by M^r Mathew Gilbert & M^r Jo. Wakeman, to be his last will to the best of their knowledg, w^{ch} done, it was judged legall; also, an inventory of his estate, taken July the first, 1658, amounting to 110^l, 16^s, 6^d; that it was a true inventory in respect of y^e parcells, Timothy Nash testified vpon oath to the best of his knowledg; M^r Wakeman & James Bishopp, the apprizers, testified vpon oath y^t it was a true apprizement, according to their best light.

Tho. Morris, being recouered of his sicknes, came to prosecute his action of defamation against John Tompson, w^{ch} was by his Attorney Gervase Boykin entred the last Court, who himself now declared that the said John Tompson hath defamed him, w^{ch} he

express in three particulars: 1, y^t he was a 100^l the worse for him: 2, y^t he had opprest him: 3^{ly}, that he had not attended rules of righteousness towards him, w^{ch} words he s^d were spoken by him at Sargeant Jefferies; concerning w^{ch} words, had John Tompson seene and acknowledged his evill, it might have beene ended privately & not have beene brought into y^e Court as it now is.

Sargeant Jefferies affirmed y^t he heard y^e debate betweene them at his house, in w^{ch} debate he heard not any evill language given by Tho Morris, but y^e things before mentioned he heard spoken by John Tompson, and y^t they three walking out into the orchard, he wisht him to consider of what he had said, & to give Tho. Morris satisfaction, but he was sturdy & stout & went away silently. Vnto w^{ch} John Tompson now in Court answered, that he had done his vtmost endeavour to end it privately, and thought y^t he should have heard no more of it. But Tho Morris affirmed that he not tendering him satisfaction he told him y^t he must heare of it in another place: he further said y^t John Tompson was not y^e man y^t had said to this day y^t he had spoken vnadvised words. After which allegations, answers, & replies, Jo: Tompson came more directly to y^e case, & affirmed that he was a 100^l y^e worse for Tho: Morris, w^{ch} to make appeare, he p^rsented a couenant betwixt him & Tho. Morris (concerning a vessell w^{ch} Tho. Morris was to build for him), w^{ch} was torne, but read as it could, dated Octob. 10th 1656. Tho. Morris also p^rsented a bill sealed & subscribed by John Tompson, for payment of 26^l 5^{sh}, dated y^e 15 day of the 3 moneth, 1658, whereby it appeared y^t all former differences were ended betwixt them; but John Tompson pleaded y^t Tho Morris had proffered to lay y^e bill aside & answer him, according to y^e couen^t, for the proofe of w^{ch} he desired y^t Gervase Boykin, Tho: Kimberly, & M^r Bowers testimony might be taken in y^e case: but Gervase Beykin spake not to that purpose. Tho. Kimberly affirmed y^t he heard Tho. Morris say that he did not care if he answered him according to y^e couen^t, but y^t he promised to doe so, he heard not; & to y^e same purpose spake M^r Bower. The Court told John Tompson y^t he did ill, having vnder his hand & seale acquitted him, afterwards so to charge him: neuertheles y^e Court heard him, what he would plead from y^e couen^t, & he alleadged,

First, that Tho. Morris neglected his vessell, & went to worke at the [261] Jamaca shipp, for beaver, & imployed himself in makeing & mending wheeles:

Seacndly, y^t he ouerbuilt his vessell, by which meanes he was disappoynted, in a voyage intended for Virginia, by w^{ch} he suffered a 100^l damage, & y^t in the two particulers before mentioned he did not attend rules of righteousness in so doing, w^{ch} is the 2^d charge.

To w^{ch} Tho. Morris answered John Tompson, did you ever say, y^e pay is ready, y^e vessell is not ready, you must answer y^e damage: he further said that y^e planks were not ready, w^{ch} John Tompson was to provide; and that the sailes & rigging was not ready M^r Mills now affirmed. Tho. Morris further said y^t he wrought vpon the Jamaca shipp by his consent; to make it appeare, he desired y^t his wife might speake in y^e case, who said y^t she ap^rhended he was willing her husband should worke at the shipp, for he had this expression, that he might be in distress himself, as y^e M^r of the Jamaca shipp then was.

Humphry Spinnage said that he could testify that, vpon condition Tho. Morris might be freed from y^e worke at the meeting house (w^{ch} he was desired to doe by the Townsmen), John Tompson shewed himself willing hee should worke at the Jamaca shipp.

The Couenant, in y^e reading, was found to be enterlined; y^e Court demanded, whether it was done before y^e witnesses subscribed it, or not; to w^{ch} Tho. Morris answered y^t the enterlineing was longe after. It was asked how it came to be done, to w^{ch} Jo. Tompson answered y^t Tho. Morris first propounded it, but proued it not, whervpon y^e Gouvernour desired John Tompson to consider y^e law concerning Forgery, w^{ch} was read to him; but vpon further enquiry into y^e matter, it appeared that the particulers mentioned in y^e enterlineing were such as were agreed vpon betwixt them, & so not any deceit intended by John Tompson, whose act y^e enterlineing seemed to bee, & thereby the witnesses abused, which y^e Court witnessed against. Two of the charges being spoken to by John Tompson, it was demanded of him, what he said to y^e third, viz^t, how & wherein Tho. Morris had opprest him, to which John Tompson answered that herein he conceived y^t he opprest him, y^t although he tendered him anything he had, as indifferent

men should iudge, yet he would press him for y^t w^{ch} was about his power; but Tho. Morris answered y^t he was told y^t he might have wheat & pease of M^r Nicholes, for comodities, if he would prize them moderatly, so y^t it was not beyond his power, as he p^ttends it was. He was told by the Court y^t Tho. Morris required nothing but y^t w^{ch} was his owne & to answer his engagements to other men, for y^t it seemes y^t he was y^e oppresour, & not Tho. Morris.

John Tompson said y^t he tendered Tho. Morris good maslin for pay, & he refused it; to w^{ch} Tho. Morris answered that he refused it for two reasons: first, because he would pay it at wheat price; seacondly, because he was engaged to pay wheat to the men y^t did help about the vessell; he further declared y^t he vnderstood y^t Jo. Tompson reported y^e matter y^e last Court, as if he slighted maslin, w^{ch} he blest God he did not; his wife said indeed y^t she would rather dress ouer her wheat bran, for she findes it not for her health to eate rie, but he said they slited not maslin, for they did eate Indian corne; at the same time, he further said that this maslin was to his vnderstanding but one third wheat, & y^t y^e Milner said that he had sould as good for rie.

John Tompson not owning all y^e particulers charged against him, Tho. Morris desired y^t Sargeant Jefferies & his wife & Kathrine Roysternes [262] testimony might be taken in y^e case, who being called affirmed vpon oath as followeth: Sargeant Jefferies testified y^t John Tompson being at his house, many words passing betweene Tho. Morris & he, John Tompson said y^t he was a 100^l y^e worse for Tho. Morris, and y^t he did or had opprest him, & did not attend rules of righteousness towards him. The same for substance affirmed Sargeant Jefferis wife; Kathrine Roysterne did concur wth them in two of y^e particulers, but y^t concerning not attending rules of righteousness she remembers not.

The Gouvernour told John Tompson y^t y^e things being proued, it concernd him to give his answer.

To which John Tompson said y^t he desired y^t y^e Couent in Tho. Morris his hand might be seene; he was told y^t he was to answer to y^e case, to make prooffe of what he had charged on Tho. Morris. He alleadged y^t after y^e Couent was altered y^t his vessell was neglected, but Tho. Morris denied it.

Tho. Morris desired y^e Court to take into consideration y^e price of a peice of cloath, sould by Jo. Tompson to Windall a Duchman (y^t did help about y^e vessell) at 20^s a yard, w^{ch} he iudged an excessive price. He further informed that John Tompson hath not paid him y^e corne he oweth him to this day, so much as comes to 6^l, bate 2^{sh} or thereabouts. He desired the Court to iudge, who was y^e oppressour. In the prosecution of this busines Jo. Tompson discouered a proud, pasionate, contemptuous cariadge, w^{ch} was to y^e great offence, both of y^e Court & by-standers.

The case being thus far heard, it was agreed y^t y^e Court would meete on y^e morrow, after Lecture, to heare what was further to be heard from either party; but y^e Secretary & another of y^e deputies being not well, it was respitted till y^e next Court.

In attendance to y^e advice of the Court, Nouemb^r 2, 1658, Will^m Bradly & John Allen, having by a writing, set vpon y^e meeting-house, made knowne y^t whosoeuer had ought to demand out of y^e estate of Daniell Bradly, the Court would now consider of their demands & y^e proof thereof, the Gouvernour declareing y^t the Court was now ready to heare them, John Cowper, in y^e behalf of M^r Yale, p^rsented a note of seuerall particulers, but being not perfect, he was desired to perfect it against y^e next Court; Henry Rotherford demanded 35^s, Tho. Trowbridg, 19^s 9^d, M^r Gilbert 13^l, 10^s, 0^d, Tho. Wheeler 5^s, Tho. Munson 3^l, Roger Allen 7^s, John Winston 14^s; it was said Tho. Coleman of Wethersfeild demands 20^s, Nath. Bradly 16^s, Stephen Bradly 20^s, M^r Goodenhouse 1^s, W^m Bradly & Jo. Allen for his buriall 6^s 8^d. But the matter being not found ready for issue, it was respitted till y^e next Court.

AT A COURT HELD AT NEWHAVEN, THE 4TH OF JANUARY, 1658.

An Inventory of y^e estate of Edward Hichcock, deceased, taken y^e 23th of Nouemb. 1658, amounting to _____, was attested vpon oath by Francis, y^e widdow of y^e deceased, to be a full Inventory of the whole estate, according to her best knowledge. Decon Miles & John Cowper took oath y^t the apprizem^t of y^e estate was iust, accordinge to their best light. It was demanded of y^e

widdow, if her husband had left any will; she answered y^t there was non in writeing, but [263] something tending y^t way was expressed by him to Mathias Hichcock & Edward Pattison, a little before his death, of w^{ch} she would give information y^e next Court: /

John Cowper declared vnto y^e Court y^t whereas there was an Iron-worke begun here about three yeares agoe, sundry of New haven who had an interest therein engaged certaine sommes towards y^e carrying on of that worke, who made choyce of him as their Agent, to act in that busines, whereof o^r late Gouverneur was one, who engaged 40^l, as by a writeing subscribed by him doth appeare. Now the accounts having beene lately made vp, it appeares y^t 30^l, 12^s, 11^d, is expended vpon y^e 40^l, of w^{ch} he hath received but 12^l 10^s or thereabouts, as by y^e acc^o doth appeare: the remainder w^{ch} is dew, he hath demanded of M^r Gilbert & M^r Wakeman out of the estate, but they told him y^t they had no authority to pay it, wherevpon he had desired an attachment vpon 2 barr. of beife corne & porke to y^e vallew of

. A writeing was p^rsented by y^e s^d John Cowper, subscribed by y^e s^d Theophilus Eaton as well as others, whereby it appeared y^t he was authorized to demand & receive y^e seuerall sommes vnderwritten by y^e vndertakers of this quarter part, as it should grow dew, for y^e carryinge on of the s^d worke, w^{ch} being read y^e Court judged vallid, vpon w^{ch} he desired y^e sentence of the Court concerning y^e s^d somme now demanded, w^{ch} the Court having considered declared that y^e somme demanded must be paid, w^{ch} was left to M^r Gilbert & M^r Wakeman to issue wth John Cowper in such pay y^t rules of righteousnes may be attended, yet wth as little dammage to y^e estate as may be. /

An Inventory of y^e estate of M^r Goodyeare, deceased, taken y^e 15th October, 1658, amounting to y^e somme of 804^l 9^s 10^d was p^rsented to the Court, apprizd by Leiftenn^t Nash, Ensigne Lindon, Willm Davis, Thomas Munson. M^{rs} Goodyeare attested vpon oath y^t it was a full Inventory of the whole estate, according to her best knowledg, besides an estate in y^e Ironworke & debts at the Barbadoes & elsewhere, not yet cleared. The afores^d apprizers alsoe tooke oath y^t it was a true apprizement, according to their best light. /

An Inventory of the estate of Daniell Bradly, taken by Willm Bradly & John Allen, was p^rsented to y^e Court, amounting to y^e somme of 44^l: 10^s: 9^d, w^{ch} was attested vpon oath to be a true & full Inventory, both for parcells & vallew, according to their best light & knowledg, onely there is a debt from Richard Fellowes* not yet clear'd, & a sithe not yet found, alsoe some wearing cloathes y^t were carried away by y^e horse when he was drowned not yet come to hand. The afores^d W^m Bradly & Jo. Allen were authorised to gather in y^e estate & to dispose of some part of y^e estate for y^e discharge of iust debts, dew from the s^d estate, w^{ch} being done & an acc^o being given in to y^e Court, how the remainder shall be disposed of y^e Court will determine. The bill given by Rich. Fellowes, concerning y^e debt aboue mentioned, is as followeth:

This is to lett men know y^t I Richard Fellowes will pay Dan. Bradly y^e some of 12^l for a horse, as thus, what more then y^e cloath cometh to, I promise him at M^r Paine. I will pay it in cattell, as two indifferent men doe prise them to pay at New haven or at Harford; onely what Daniell oweth Richard is to be set off, y^e rest in cattell one moneth [264] after Mickellies† next, to make vp the some of 12^l; as witness my hand, July 4, 1658

Richard Fellowes

On the back side of the bill it was thus written, Onely 10^s in mony is to be paid by M^r Samuell Marting of y^e 12^l.

Ensigne Lindon engaged to y^e Court, for the p^ruention of dammage to y^e quarter, for this yeare to take care of the fence belonging to the lott called M^r Hawkins his lott, & to answeare all dammages y^t may come by any neglect of his, w^{ch} fence both in y^e flanke & reare is to begin at y^e end of y^e fence w^{ch} belongs to y^e lands of M^r Goodyeare, next y^e West bridge: y^e Court also engaged y^t he shall have iust satisfaction either out of the vpland & meadow belonging to y^e lott or otherwise as shall be iudged meet./

Leiftenn^t Nash engaged to secure the fence (for this summer) belonging to y^e lott cald M^r Jeanes his lott, who hath liberty vpon

* Of Hartford.

† Michaelmas.

a iust allowance to improue what part of the vpland he sees good & to lett out y^e rest for y^e good of the estate./

Joseph Alsupp, Attorney for Robt. Gray of Salem, desired an execution against y^e estate of M^r Roberts in y^e hands of M^r Wakeman for 20^l, w^{ch} was condemned by the Court y^e 6th of y^e 11th moneth, 1656, w^{ch} y^e Court tooke time to consider of./

Phillipp Leeke passes ouer to y^e Court, in y^e behalf of y^e estate of M^r Goodyear, 12 akers & ½ of vpland in y^e Oyster point, lying betweene y^e land of Nicholas Elsy & M^r Heacox, & 3 akers & half of meadow lying at y^e end of y^e said vpland./

The Court also passed ouer to Phillip Leeke 11 akers & half of meadow or thereabouts, sometimes belonging to M^r Jeanes, bounded by y^e meadow of Nicho. Elsy on y^e north, y^e vpland on y^e east, y^e harbour on y^e west, as also a little peice of meadow, sometime belonging to y^e meadow of M^r Heacox, adioyning therevnto, bounded wth a creek on y^e South, commonly called M^r Cranes creeke; w^{ch} was done in y^e p^rsence & wth y^e approbation of M^{rs} Goodyear./

AT A MEETING OF YE COURT, AT YE GOUVERNOURS, JAN. 10, 1658

M^r Gilbert, M^r Wakeman, Samuell Whitehead, John Moss, who were by y^e Court, March 5th, 1649, appoynted as ouerseers of the children & estate of John Clarke, deceased, p^rsented an acc^o to y^e Court, w^{ch} being not fully p^rpared was respitted till another time. John Clarke, y^e eldest sonne, being at y^e age of 21 yeares, was now to receive his portion. Samuell Clarke & Abigaile his sister being either of them aboue 14 yeeres of age, wth y^e consent of the Court chose their guardians; Samuell chose Abraham Dowlittle; Abigaile chose Samuell Whitehead; both whom accepted of it. Hester Clarke made choyce of Nicho. Elsy, but she being not 14 yeares of age till March next, it was respitted till then; but the accounts being not issued it was referred to another time, at w^{ch} time y^e children wth their guardians were desired to be p^rsent & to propound, as they shall see cause, for their sattisfaction about the account./

[265] AT A MEETINGE OF YE COURT AT YE GOUERNORS, JAN. 12,
1658

After sundry questions had beene propounded & answered concerning y^e estate belonging to the children of John Clarke, it was found to amount to y^e somme of 171^l, 14^s, 11^d, out of w^{ch} there was to be deducted 78^l, 5^s, 5^d, by expences vpon the children, loss in cattell, &c., w^{ch} was cleared in y^e particulers of it to y^e satisfaction of y^e Court, so there remained 93^l, 9^s, 6^d, w^{ch} being devided into 5 parts is, 18^l, 13^s, 11^d, each part; of w^{ch} John the eldest sonne is to have 2 fift parts, w^{ch} is 37^l, 7^s, 10^d, y^e full issue of w^{ch} busines was referred to y^e next Court./

AT A MEETING OF YE COURT AT YE GOUERNOURS JAN. 17, 1658

The perticulers, assigned by y^e Court to discharge y^e portions dew to the children of M^r Lamberton, amounting to y^e some of 415^l, 18^s, 2^d, being read to M^{rs} Goodier, their guardian & intrusted by them, was by her acknowledged to be received in full satisfaction, vnto w^{ch} 415^l, 18^s, 2^d, being added 2 parts of M^r Lambertons land, at 252^l & 59^l, 8^s, 1^d, formerly received by Elizabeth Lamberton, amounts to 727^l, 6^s, 3^d, w^{ch} is the full somme belonging to y^e children, and 16^d ouer, w^{ch} is dew to y^e estate of M^r Goodier.

M^{rs} Goodyeare desired y^e Court that her thirds of y^e lands, of w^{ch} M^r Goodier stood posest off, might be set out, w^{ch} y^e Court was not willing to doe, but referred it to y^e Court of Magistrates, who had already entered vpon y^e busines: only y^e Court allowed her to have y^e vse of the land & meadow belonging to y^e house of M^r Goodyeare, for this yeare, hoping y^t in May next a full issue may be putt to it.

M^{rs} Goodier had also liberty to live in y^e house vntill y^e Ellection Court be past, but spoke to y^t no wast nor spoyle be made, & y^t the fence downe about the house & orchard may be repaired, 2 parts of w^{ch} charge are to be borne by y^e estate.

The letting of M^r Hiccox land & meadow was referred to Leift^{nt} Nash & Ensigne Lindon, & they desired to procure some,

if they can, to repaire the fence about the house & orchyard of Mr Goodiers, & in letting to take care y^t fences be kept vp & rates paid, y^t the publike suffer noe dammage, & y^e y^e ouerplus be to y^e vse of the credito^rs.

AT A GEN. COURT HELD AT NEWHAVEN THE 13TH OF JANUARY 1658

The Gouvernour acquainted the Towne y^t y^e Townesmen had sundry things to propound to them, who being desired declared

1. That they had taken into their own consideration y^e Order about ladders, w^{ch} they feared was not attended, w^{ch} being considered & debated, was thus issued, that the Marshall shall take a vei^w, y^e latter end of the weeke before the next Court, & warne such to y^e Court whom he findes vnfurnished.

[266] 2. They alsoe propounded that there might be a man appoynted, if any can be found, to sweepe all y^e chimneyes in y^e Towne, and that the chimneyes be vei^wed, whether they be sufficient, y^t so danger may be p^rvented, both to men themselves & their neighboures. The things propounded were approued by y^e most, as convenient & necessary, but no man appearing to vndertake y^e busines, it was left to y^e Townsmen to issue so as they iudge may be for publike safety.

3. They desired to know the Townes minde concerning Oyster shell feild, y^e time for w^{ch} it was lett being expired: the Towne declared y^t it was their desire to have it lett out againe vpon rent, for seaven yeares, or any less time, as y^e Townsmen shall see cause, to y^e former tennants, if they desire it, or to others if they refuse it, w^{ch} is to be issued by y^e Townsmen, y^e first seacond day of Feb. next, at one of y^e clocke, at y^e Ordinary, where their meeting was now appointed.

4. They declared y^t there were 7, 8, or 9 men, y^t had propounded for liberty to improue y^t peice of land y^t lies betwixt the path y^t leads to Mr Goodyears farme, & the Yorksheire quarter, w^{ch} was also left to the Townsmen, who have power given them to allow them liberty of improvem^t for 7 yeares, they leaveing y^e fence tennantable, or for 5 yeares wthout y^t condition made with them about the fence, they leaving a sufficient high-way, by the side of the Yorksheire quarter, wthin their fence, for

passing of carts, to James Eaton or any other to whom it may be of concern^{mt}; y^e like power was comited to y^e Townsmen in reference to a peice of land betwixt the hill & the Beavours ponnd, if any shall appeare y^t would improue it; both w^{ch} are to be considered & issued at y^e time & place exprest concerning Oyster-shel-feild.

5, They desired y^t any whom it concern'd would consider of & attend to y^e Order concerning y^e entertaining of sojourners; they declared y^t they intend to looke after it, how y^e Order is attended.

6, The Townsmen informed y^t the rate y^t was leuied for y^e carrying on y^e worke for a new mill is almost expended. They desired that it might be considered in what way it shall be carried on, for time to come. Vpon their motion they were also allowed (at the Townes charge) to take y^e advice of some y^t have experience in such workes, w^{ch} being done, they were told y^t the Towne might be called together another time to consider their proposition.

Brother Browne desired of y^e Towne y^t they would consider of his case, wth some others y^t had allotments on y^e East side,* y^t was attended wth great inconveniences, by reason of some lotts y^t were formerly taken vp there, by men who since have relinquished their right therein, by w^{ch} meanes such as would fence & make improuem^t are put vpon great difficulties by such lotts, w^{ch} are now in the Townes hand, w^{ch} lie intermingled wth theires. His motion was y^t y^e lotts belonging to such men y^t would make improuem^t, might be laid together in some convenient place, to w^{ch} y^e Towne shewed their willingnes & did referr it to y^e Townsmen to consider & determine, at their next meeting.

[267] Henery Line desired leave to hire some land of y^e Indians, which lieth on y^e East side, w^{ch} might it be granted, he declared y^t it was his purpose to set vp some building there, w^{ch} he conceived might be comfortable to travello^rs at some seasons; to w^{ch} motion of his the Towne generally inclined, but withall exprest their desire y^t it might be done wth dew caution (havinge to doe wth Indians in y^e busines) lest ought should be now done

* Francis Browne (died 1668) lived towards the Eastern end of Water street.

w^{ch} might be an ill p^rsident for after times; they therefore comitted y^e care of this busines to y^e Court & Townsmen, to order & determine what they conceive meet in y^e case.

Sargeant Munson certified y^e Towne y^t he had lately received a letter from M^r Pell, wherein he desires y^t what was given to M^r Deamon, late of Fairfeild, might be sent thither, w^{ch} y^e Towne tooke into consideration & desired those y^t were imployed in y^t busines to gather in what remains vnpaid, that was by any then engaged, & to make vp their accounts & make payment of it.

AT A COURT HELD AT NEWHAVEN THE FIRST OF FEBRUARY 1658

John Cowper entred an action of debt against M^r Allerton, & declared y^t the afores^d M^r Allerton was indebted y^e somme of 12^l vnto John Westall of Seabrooke, w^{ch} should have beene paid about 5 yeares since, but was not, w^{ch} debt of 12^l is now asigned vnto him by y^e said Westall; for proofe of the s^d debt & his right to demand & receive it, he p^rsented a bill, dated Nouemb. 5, 1653, wth an assignation to him from y^e said Westall, w^{ch} being read, both y^e bill & y^e assignement vnto him, y^e Court judged vallid. M^r Allerton ownd y^e bill to be his, but withall said y^t John Westall was indebted to him vpon other accounts; he further said y^t he had rather y^t Westall himself had come hither & p^rsented y^e sute, y^t he might have had oppertunity to have recouered of him what was dew from him; he propounded whether there might not be a demurr, to draw Westall hither; he was told y^t y^e bill must be paid, but for any accounts y^t are betweene them, he might take his oppertunity to recouer what was dew to him. The case being heard, y^e Court Ordered y^t M^r Allerton is to make payment of y^e 12^l to Jo. Cowper, wth y^e charges of y^e Court.

Nathaniell Merriman being warned to y^e Court was told by y^e Gouverno^r y^t y^e Court desired an acc^o from him of a cow w^{ch} he hath killed, belonging to Mary Banister, w^{ch} cow they vnderstand was let to him vpon hire; y^e Gouverno^r declared y^t Nath. Merriman had beene wth him & acquainted him wth the case, & told him y^t he knew not to whom to repaire to give in y^e account, w^{ch} he vnderstanding from him appointed him to

bring it to the Court; he was told y^t it was his errour to kill y^e cow, not having any such Order, either from y^e owner, or from some magistrate, to whom he might have repaired, y^e owner not being p^rsent. Nathaniell Merriman answered y^t he would not doe it, if it were to doe againe; but withall he said y^t y^e cow answered not his expectation, for w^{ch} he hired her, for after shee had given milke a few moneths, she went dry, but brought no calf y^t winter, so that he turned her out into y^e woods, & being fat he kild her, & tooke y^e acc^o of her, in y^e p^rsence of Isaac Whitehead, who witnesses with him that [268] the weight of the beife was 341^l, suitt & tallow 41¹/₂, hide 48^l, w^{ch} he delivered in writeing to y^e Court; w^{ch} being done y^e Court ordered y^t Nathaniell Merriman shall in Septemb^r or October next deliver to y^e Court, or to them y^t the Court shall appoint to receive it, 341^l of good marchantable beife, 41¹/₂ of suitt & talloe, & a hide weighing 48^l, or in other pay equivalent, to y^e Courts satisfaction, & vnto y^e 16^s w^{ch} was y^e hire of the cow shall add 4^s more, w^{ch} is 20^s, w^{ch} is ordered in y^e behalf of Mary Banister, now gon for England.

Phillip Leeke desired that an entry might be made of certaine parcells of land w^{ch} he bought of Ralph Deiton,* y^e particulers whereof being exprest in a writeing subscribed by y^e s^d Deiton, witnessed by Gervase Boykin, w^{ch} being read y^e Court allowed of & ordered y^t y^e s^d lands should be recorded as belonging to Phillipp Leeke, w^{ch} are as followeth: 8 akers of the first division within y^e 2 mile; the whole 2^d division, 48 akers; 3 akers meadow in M^r Malbons meadow; & one aker in Solitary Cove, as he thinketh; w^{ch} lands sometimes appertained to Rich. Platt, as appeares by a passage in Court, Aprill 3, 1649: also y^e house & home lott belonging to y^e s^d Ralph Deiton at y^e towne of Newhaven.

Leiftennant Nash & Gervase Boykin, as agents intrusted by Sam. Caffinch, now in England, being authorized by a letter of Attoney from John Caffinch, in y^e behalf of his brother, w^{ch} was afterward confirmed by y^e afores^d Samuell Caffinch, as by a letter subscribed by him did appeare, in an action of the case declared against Daniell Hopper, that whereas y^e said Daniell

* Ralph Dayton had removed some years before from New Haven to East Hampton, on Long Island.

Hopper had hired lands of John Caffinch belonging to Samuell Caffinch in y^e quarter & his home lott adioyning to y^e lott of Goodman Judson, y^e fences whereof he was to vphold & maintaine sufficiently, as by an agreement in writeing doth appeare; he the s^d Daniell Hopper at the end of his time in those lands, (w^{ch} was about the 29th of Sept. last) contrary to y^e said agreement, left the fences altogether insufficient, & thereby y^e quarter was exposed to dammage, w^{ch} fences they had desired him to repaire. but he refused so to doe; vpon his refusall, they tendered to put the matter in question to referenc, w^{ch} he would not harken to, but told them he would answere it at y^e Court.

To w^{ch} Daniell Hopper now answered, what he was enioyned to doe by the writeing he would doe; but to repaire y^e fences now in question, he saw not how it could be required of him.

Sargeant Boykin desired that the viewers might speake what they know concerning y^e quarter fence, & William Judson concerning the fence of the home lott, adioyning to his orchard.

Edward Parker, who was one of the viewers, said that y^e fence was neuer mended sufficiently. John Johnson, y^e other viewer, said y^t Edward Parker & himself together spake to Dan. Hopper to mend y^e fence, & he had often given him warning to mend it; he further said y^t Daniell Hopper knew y^t it was very crazie all y^e summer.

W^m Judson said that y^e fence adioyning to his orchard was as noe fence, & y^t he had suffered by it.

But John Cowper said that he remembred y^t after Jo. Caffinch had let this land to Dan. Hopper, the viewers coming to him [269] to warne him to mend this fence, he told them y^t they must goe to Dan. Hopper, for he had vndertaken to secure it; he thence conceived y^t Dan. Hopper was only so to vphold y^e fence y^t dammage might be p^ruented; but that he was to vphold & maintaine y^e fences sufficiently to any other purposes, he thought was not intended in y^e agreement. But he was told y^t it followes not, for if he was to maintaine it all y^e time, then it was to be sufficient when his time expired, & y^t it was not, as y^e viewers declare.

The case being heard, y^e sentence was declared to be this, that what fences were defective when Daniells time expired, are by him to be made sufficient, w^{ch} y^e viewers are to judg of, who are looked vpon as competent judges in y^e case.

Stephen Peirson being by y^e Court placed wth Nicholas Elsy, vpon triall, did now voluntarily engage to serve him for 4 yeares from the 2 of Nouemb^r 1658. Nicholas Elsy did also promise before y^e Court to doe his endeavour in y^t time to teach him the trade of a cowper, in w^{ch} time he said he doubted not but y^t he should teach him to doe his worke well, but y^t he should be quick at it he could not vndertake. (Y^e said Stephen is to have double clothing at y^e end of his time.)

M^{rs} Goodyeare passeth ouer to Geo. Rawse* 12 akers & ½ of vpland, lying in y^e oysterpoynt, lying betweene y^e land of Nicholas Elsy & M^r Heacox, & 3 akers & ½ of meadow, lying at y^e end of y^e said vpland.

The estate belonging to the children of John Clarke, amounting to the some of 93^l, 9^s, 6^d, was ordered thus to be devided: vnto John, y^e eldest sonne, 37^l, 7^s, 10^d, w^{ch} he is now to receive; to Samuell Clarke 18^l, 13^s, 11^d, w^{ch} is to be delivered to Abraham Dowlittle, his gardian; vnto Abigaile, 18^l, 13^s, 11^d, w^{ch} is to remaine wth Samuell Whitehead, her guardian; to Hester, 18^l, 13^s, 11^d, w^{ch} was comitted to Nicholas Elsy, whom she nominated for her guardian. The perticulers of this estate of 93^l, 9^s, 6^d, are to be found in y^e booke of wills & inventoryes.

Will^m Judsons man, Peter Simpson, wanting gunstick, worme-scourer & mach, his m^r was fined 2^s, 6^d.

John Tompson for a defective gun was fined 2^s, 6^d.

Hen. Rudderford, wanting a rest, belt, bullitts & flints was fined 2^s, 6^d.

Joseph Alsupp, Attorney for Robert Gray of Salem, having formerly desired an execution for 20^l against y^e estate of M^r Roberts in y^e hands of M^r Wakeman, according to a sentence of Court y^e 6th of the 11th moneth, 1656, it was now granted.

The action depending betweene Tho. Morris, plan^t and John Tompson, defendant, was now called vpon. It was propounded to them whether they had any more to say in y^e case.

Thomas Morris desired y^t John Tompson would make out what he charged against him, in the close of the last Court, when y^e matter was vnder consideration; w^{ch} was this, that he drew him to interline y^e couenant, & y^t he knew what he did, when he did it, & y^t then he grew remiss in his worke about y^e vessell, and y^t

* Or Ross.

he set vpon mending this wheele & y^t wheele, this businnes & that business, but his worke was neglected.

[270] John Tompson was asked what he said to this y^e was now spoken. Therevpon Jo. Tompson declared although he did not then take notice of it in himself (being in passion) yet he hath been told by some freinds since that his carriage in y^e Court was not then such as it ought to have beene, w^{ch} he is now sorry for, & desired the Court to pass it by. He was told y^t y^e Court would consider of that in its season, & y^t it was fitt he should be very sensible of it, for it was very offensive, both to y^e Court & others w^{ch} were p^rsent. He was asked what he said to y^t w^{ch} Tho. Morris had now spoken.

To w^{ch} Jo. Tompson answered that he then spake his ap^rhension & judgm^t & could make it out in some measure, if he might have liberty to pleade from y^e couenant, w^{ch} he conceived Tho. Morris had not attended.

To w^{ch} Tho. Morris replied that he tendered him y^e last day of the weeke, that when y^e Court hath issued y^e action now in hand, y^t if he would take 2 or 4 men to heare and examine the busines, he y^t was found to breake y^e couenant first last, should give to y^e other 5^l.

The Court told him y^t he had liberty y^e last time to plead from y^e Couen^t. Jo. Tompson desired to know whether y^e Court did judg it a couen^t or not; he was told y^t if they two said it was a couenant, it might be so; but he had by his interlineing disabled it, because the witnesses whose hands are subscribed could not now attest it.

John Tompson p^rsent^d a paper, containing a discharge given him by Tho. Morris, referring to a bill dated y^e 15 day of y^e 3 moneth, 1658, w^{ch} he said he conceived did disanull y^e bill in Tho. Morris his hand; he therefore desired y^e bill might be given vp to him, as belonging to him and not to Tho. Morris; he was told y^t y^e acquittance refers to y^e debt onely, but not to those other things specified in y^e bill, w^{ch} are of concernment to Tho. Morris to keepe, therefore his demmand of y^e bill was not reasonable; to w^{ch} he replied y^t he might loose his acquittance, & so he might be liable to trouble; he was told y^e acquittance might be recorded; he objected y^t Tho. Morris might prosecute y^e bill against him in some other place where these records are not

knowne. For y^e issue of this matter concerning y^e bill, it was declared by y^e Court y^t it shall be written on y^e backside of y^e bill, y^t y^e debt of 26^l, 5^s, therein mentioned is paid, vnto w^{ch} Tho. Morris shall set his hand, of w^{ch} bill John Tompson was granted to have a copy, if he desire it, w^{ch} was by him now accepted.

Thomas Morris further alleadged y^t John Tompson had said y^t he drew him to enterline y^e couen^t, w^{ch} was by Tho. Morris denied, but withall granted y^t he assented to have it done when John Tompson propounded it; after this pleaded from y^e couenant, first y^t y^e vessell was not built of 5 moneths after y^e time agreed vpon, w^{ch} was much to his hinderance, in y^t he could not goe about his busines; seacondly, y^t the vessell was ouerbuilt, & so too hard for him, & not being done at y^e time he was disapoynted of a partner w^{ch} [271] w^{ch} he might have had; thirdly, y^e vessell not being done, y^e rigging also was neglected; fourthly, being ouerbuilt he was put to provide bigger rigging, & to send to y^e Bay for an anchor bigger then those he had; all w^{ch} he said were brought vpon him by Thomas Morris not keeping to y^e demensions & time agreed vpon. The dammage he sustained hereby (he said) was as he conceived as much as y^e vessel was worth.

To which Tho. Morris replied y^t he himself was y^e cause of this w^{ch} he now laid vpon him.

But John Tompson further pleaded y^t he conceived y^t herein he attended not rules of righteousness, to imploy himself vpon the Jamaca shipp & other imploy^m^t, & neglect y^e vessell, so that from May to y^e end of harvest & haytime there was but little done.

He further alleadged y^t herein he conceived he opprest him; y^t he demanded such pay as he had not; he tendered him commodities; he said, they were deare; he told him y^t indifferent men should set y^e rate vpon them, but he still was vrgent vpon him for corne, w^{ch} was aboue his power; he was told y^t it was not beyond his power, for he was told y^t he might have wheat & pease of Goodman Nicholes for goods, if he would part with them at moderate rates, so testified Gervase Boykin.

John Tompson further said, he ap^hended herein also Tho Morris wrong'd him, in y^t he informed y^e Gouvernour y^t he said y^t he owed him nothing; but to make it appeare y^t he s^d soe,

viz^t, y^t he owed Tho. Morris nothing, it was desired y^t the testimony of Benjamine Bunnell might be taken, who being called affirmed y^t Rich. Johnson desireing him to mow for him, he told him he would, if he would pay him wheat; he desired him to goe to Jo. Tompson for it, vpon Tho. Morris his account, but he being not willing to goe alone, vpon his desire Rich. Johnson went along wth him to Jo. Tompson; being there, he desired him to help Benj. Bunnell to a booshell of wheat on Tho Morris his account, to w^{ch} John Tompson answered y^t he owed him nothing; Richard Johnson replied, you owe him so much; John Tompson then said, here are goods ready, if he will have them, but for corne he owed him non till y^e day of paym^t; w^{ch} testimony being given in, John Tompson was reproued for his peremtory affirming in y^e last Court (& y^t in opposition to what the Gouverno^r then said) that y^e testimony then given in by Richard Johnson, & y^t w^{ch} was then prsented in writeing from Ben. Bunnell, w^{ch} was y^e same then as now, did not agree, but differ. He was told y^t his carriage y^e last Court to y^e Gouverno^r was very offensive, w^{ch} was witnessed against, as a thing not to be borne; also his carriage to others that gave in testimony in y^e case depending, w^{ch} gave occasion to some to report y^t he acted like a quaker, as was now declared; w^{ch} offensive carriages being left to be further considered off, Tho Morris further declared he hath heard y^t he still reports such things of him, concerning y^e busines in question, w^{ch} renders him very faulty, whereas he hath tendered him, as before was said, y^t let 2 or 4 men be chosen who are able to judg of the case about y^e vessell, & he y^t is found y^e first last breaker of y^e couen^t shall give the other 5^l, w^{ch} tender of his he refused; but John Tompson s^d he did not refuse it; but M^r Bower being called testified y^t when this tender was made by Tho. Morris [272] to Jo. Tompson, though at y^e first he accepted of it, yet afterward he refused it; so also testified Tho. Kimberly.

Tho. Morris was asked what he said to the things alleadged against him by John Tompson.

To w^{ch} Tho. Morris answered, although he could proue y^t John Tompson was y^e cause y^t y^e vessell was built no sooner, & y^t it was enlarged by his order, yet he saw not y^t he was called further to answer to what he pleades from y^e couenant, but he would cleave to y^e bill or writeing, w^{ch} declares y^t all acc^os, reck-

onings, & differences about y^e said vessell be fully finished & ended betwixt them; he therefore now desired y^e sentence of y^e Court concerning y^e action of defamation w^{ch} he hath entered against John Tompson; vpon w^{ch} motion of his, y^e Court haveing heard & considered the case, by way of sentence declared that they have had a great deale of exercise in this busines, w^{ch} might have been p^rvented, had John Tompson harkened to y^e advice y^t was given to him to end it privately; but being brought to y^e Court, Tho. Morris expects a sentence in y^e case. John Tompson was told y^t the Court had considered y^e charges against Tho. Morris, y^t you are 100^l the worse for him, y^t he hath opprest you, & y^t he hath dealt vnrighteously wth you; as for y^t w^{ch} is alleadged by John Tompson out of the couenant, concerning y^e vessell, his owne hand cutts him off. He was told y^t he might remember y^t it was but a little while since he was before another Court for a busines of like nature,* w^{ch} y^e Court now lookes vpon as an aggravation of his fault, y^t he should so soone fall into miscarriages of y^e same kind. The Court judges yt he hath done Tho. Morris a great deale of wrong; y^t Tho. Morris hath not opprest John Tompson, but John Tompson hath opprest him; y^t Tho. Morris hath not dealt vnrighteously wth Jo. Tompson, but he hath dealt vnrighteously wth Tho. Morris; and for his carriage in y^e Court, it was very offensive, both to y^e Court & others, w^{ch} they judge they are called to witnes against. The sentence therefore is, y^t in way of reparation to Tho. Morris for y^e wrong done to him, y^t Jo. Tompson pay him 10^l, & for his offensive carriage in y^e Court, 5^l fine, w^{ch} is to be paid to y^e Treasurer.

Edward Keely, Samuell Clarke, & W^m Tiler, being warned to y^e Court, they made their appearance. The Gouverno^r declared y^t there was a complaint made to him against these younge men, concerning a slaunderous report y^t they had taken vp & spread, referring to y^e daughter of John Thomas, y^e wife of Willm. Wilmott, w^{ch} was this, y^t shee did refuse to lie wth her husband, as also corrupting discourses y^t had past betweene them. Edward Keely acknowledged his evill in so doing, & confessed y^t he had broken y^e 9th commandm^t, in spreading a slaunderous report against her, y^t he judged her not guilty of. Samuell

* See N. H. Colonial Records, ii, 248-50.

Clarke said y^t in telling of it at Goodman Dowlittles shopp, he sees his evill & is sorry for it, & confessed y^t he had no ground wherevpon so to report, & y^t it was a [273] slaunder against y^e woman. Willm. Tiler acknowledged y^t so far as he was faulty therein, he was sorry for it, & confessed y^t it was a slaunder of y^e wife of Willm. Wilmott, & y^t he had no ground soe to report of her. John Clarke alsoe said y^t his brother speakeing this concerning Jo. Thomas his daughter, he spake to Edward Keely in a iesting way, it is pitty but y^t such gearles should be lasht, w^{ch} he now professed his sorrow for. The Gouverno^r declared y^t y^e daughter of John Tho. was fully cleared by them of y^t w^{ch} they had reported of her; but for the young men y^t have beene in these corrupting discourses, & now shewing so little remorse for their evill, w^{ch} was taken notice of wth greife, both by the Court & others y^t were present, further enquiry shall be made into y^e business, against y^e next Court, where they are to appeare to answeare what shall be alleadged against them. In y^e meane time, they were told y^t it was expected of them y^t they make acknowledgm^t of their evill vnto y^e father & mother of y^e young woman, & to her if they desire it. This should have come to y^e Court as an action of slaunder; but, Jo. Thomas consenting, it was agreed to be thus ended, y^t his daughter might be cleared, w^{ch} was y^t he chiefly aimed at.

AT A MEETING OF YE COURT AT YE GOUERNORS, FEB. 4, 1658

Vpon the desire of John Benham & Joseph his sonne, y^e Court granted y^t the 6^l 3^s 6^d, dew from them to y^e children of John Walker, shall remaine in their hands, vntill y^e last of October next ensuing, they now promising & engageing ioyntly & seuerally then to make paym^t of it, wth such allowance or recompence as y^e Court shall judg meet.

AT A GEN. COURT HELD AT NEW-HAVEN YE 28TH OF FEBRUARY, 1658

The Gouvernour declared that he vnderstands that y^e Committee have taken the advice of Goodman Bushnell* about y^e mill

* Probably William Bushnell, of Saybrook.

intended, the result of w^{ch} advice they desire to acquaint the Towne with, vpon w^{ch} Sargeant Munson exprest as followeth; that Goodman Bushnell being at the desire of the Committee come to the Towne, they appointed 3 or 4 of themselues to goe alonge with him to shew him the worke in hand, who going first to the great dam, after they had viewed it, he declared that he judged y^e dam good, onely advised to doe something more for the perfecting of it; afterwards cominge to y^e great trench, it being not deep enough, it was propounded to him, whether the pond should not be lowered, that the trench might be digged deeper, w^{ch} he enclined not to, but advised to lower the trench by some other meanes, & to place a penstocke there; they coming through the quarter, & observing y^e water course & y^e creeke, as also the ground through w^{ch} the water must run for an ouer-shott mill, to that he advised not, but haveing [274] tried y^e creeke by y^e leuell, he advised to make a dam ouer y^e creeke, about Mathew Rowes house, & there to sett vp a brest mill, w^{ch} wth the help of the brooke at John Sacketts (w^{ch} he was informed of) he judged would be sufficient to serve y^e towne, only this inconvenience he spake of, that y^e millar must oft goe to the penstocke, to stopp & let goe the water, w^{ch} by his experience what quantity of water will serve the mill, with y^e help of the pond at the Towne, he said might be p^rvented in part, that he need not daily goe to it.

Sargeant Munson further declared that they had desired him to build the mill, w^{ch} he refused to doe, but had left directions (w^{ch} were taken from him in writeing) how y^e worke should be done, & withall had promised that when y^e worke is prepared, that he would be here a fortnight, to see to y^e setting of her downe, for the preventing of any error in y^t matter; which being related, the Gouvernour propounding it to y^e Towne, they haveing heard the result of y^e advice of Goodman Bushnell, whether it were their mindes to goe on with y^e work, it was by the vote of the whole towne declared, their desire was y^t y^e worke shall be carried on with y^e first conveniency, to w^{ch} end y^e Committee was authorised to leuy rates, so far as the worke shall require, according to euery mans proportion, w^{ch} is to be paid, either in labour or in other pay, such as shall sute y^e worke, to y^e satisfaction of the Committee.

Clarke said y^t in telling of it at Goodman Dowlittles shopp, he sees his evill & is sorry for it, & confessed y^t he had no ground wherevpon so to report, & y^t it was a [273] slaunder against y^e woman. Willm. Tiler acknowledged y^t so far as he was faulty therein, he was sorry for it, & confessed y^t it was a slaunder of y^e wife of Willm. Wilmott, & y^t he had no ground soe to report of her. John Clarke alsoe said y^t his brother speakeing this concerning Jo. Thomas his daughter, he spake to Edward Keely in a iesting way, it is pittty but y^t such gearles should be lasht, w^{ch} he now professed his sorrow for. The Gouverno^r declared y^t y^e daughter of John Tho. was fully cleared by them of y^t w^{ch} they had reported of her; but for the young men y^t have beene in these corrupting discourses, & now shewing so little remorse for their evill, w^{ch} was taken notice of wth greife, both by the Court & others y^t were present, further enquiry shall be made into y^e business, against y^e next Court, where they are to appeare to answeare what shall be alleadged against them. In y^e meane time, they were told y^t it was expected of them y^t they make acknowledgm^t of their evill vnto y^e father & mother of y^e young woman, & to her if they desire it. This should have come to y^e Court as an action of slaunder; but, Jo. Thomas consenting, it was agreed to be thus ended, y^t his daughter might be cleared, w^{ch} was y^t he chiefly aimed at.

AT A MEETING OF YE COURT AT YE GOUERNORS, FEB. 4, 1658

Vpon the desire of John Benham & Joseph his sonne, y^e Court granted y^t the 6^l 3^s 6^d, dew from them to y^e children of John Walker, shall remaine in their hands, vntill y^e last of October next ensuing, they now promising & engageing ioyntly & seuerally then to make paym^t of it, wth such allowance or recompence as y^e Court shall judg meet.

AT A GEN. COURT HELD AT NEW-HAVEN YE 28TH OF FEBRUARY, 1658

The Gouvernour declared that he vnderstands that y^e Committee have taken the advice of Goodman Bushnell* about y^e mill

* Probably William Bushnell, of Saybrook.

intended, the result of w^{ch} advice they desire to acquaint the Towne with, vpon w^{ch} Sargeant Munson exprest as followeth; that Goodman Bushnell being at the desire of the Committee come to the Towne, they appointed 3 or 4 of themselves to goe alonge with him to shew him the worke in hand, who going first to the great dam, after they had viewed it, he declared that he judged y^e dam good, onely advised to doe something more for the perfecting of it; afterwards cominge to y^e great trench, it being not deep enough, it was propounded to him, whether the pond should not be lowered, that the trench might be digged deeper, w^{ch} he enclined not to, but advised to lower the trench by some other meanes, & to place a penstocke there; they coming through the quarter, & observing y^e water course & y^e creeke, as also the ground through w^{ch} the water must run for an ouer-shott mill, to that he advised not, but haveing [274] tried y^e creeke by y^e leuell, he advised to make a dam ouer y^e creeke, about Mathew Rowes house, & there to sett vp a brest mill, w^{ch} wth the help of the brooke at John Sacketts (w^{ch} he was informed of) he judged would be sufficient to serve y^e towne, only this inconvenience he spake of, that y^e millar must oft goe to the penstocke, to stopp & let goe the water, w^{ch} by his experience what quantity of water will serve the mill, with y^e help of the pond at the Towne, he said might be p^rvented in part, that he need not daily goe to it.

Sargeant Munson further declared that they had desired him to build the mill, w^{ch} he refused to doe, but had left directions (w^{ch} were taken from him in writeing) how y^e worke should be done, & withall had promised that when y^e worke is prepared, that he would be here a fortnight, to see to y^e setting of her downe, for the preventing of any error in y^t matter; which being related, the Gouvernour propounding it to y^e Towne, they haveing heard the result of y^e advice of Goodman Bushnell, whether it were their mindes to goe on with y^e work, it was by the vote of the whole towne declared, their desire was y^t y^e worke shall be carried on with y^e first conveniency, to w^{ch} end y^e Committee was authorised to leuy rates, so far as the worke shall require, according to euery mans proportion, w^{ch} is to be paid, either in laboure or in other pay, such as shall sute y^e worke, to y^e satisfaction of the Committee.

The Gouvernour declared that he had received certaine propositions from y^e Farmers at Stony River, & South end,* & from them on the further side of y^e East River,† who desire a grant of certaine parcellls of land, for to make vp accomodations for two Villages. The farmers at Stony River & South end propounded,

1, that a fence might be run from y^e Red rocke to y^e fresh meadow, & from thence to y^e great pond,‡ part of the charg of w^{ch} fence to be borne by y^e Towne:

2, that they might have liberty to turne their dry cattell wthout the said fence:

3, that a peice of land might be given them betwixt their meadow & y^e swomp, for the accomodating of 3 or 4 inhabitants, where they intended to sett their meeting house:

4,

Bro. Andrewes now declared y^t he conceived y^t what is before exprest was that w^{ch} they desired.

Brother Brackett & the rest there declared, although they were but few inhabittants at p^rsent, yet they conceived that there is land to accommodate a competent number for a village, whose propositions were as followeth:

1, That a line might be run from the reare corner of M^r Dauenports land towards the Towne, to Foxens wigwam, & then Stony River to be their bounds, & y^e line on y^e further side to be a mile aboue Conecticote tree, to Stony River, runing paralell wth y^e former line, M^r Davenports land to Foxens, & so y^e East River to be their bounds for their front.

[275] 2, That they may be as other plantations in respect of payment of rates.

3, That whosoever holds lands within their limitts, & dwells not vpon it, may be enioyned to pay rates to y^e Village, according to the law in that case.

Which being related, & they desired if ought were omitted to declare it, Nath. Merriman said that what was exprest was that w^{ch} they desired.

M^r Davenport being p^rsent declared to y^e Court, the business they were now exercised about being of great weight, both for

* East Haven.

† Fair Haven.

‡ Lake Saltonstall.

the honour of God & ye good of posterity, he therefore desired that it might be weightily considered; if we looke to God, it is that his kingdome may come & be settled amongst vs, & that his will may be done; now if we provide not for y^e sanctification of the Sabbath, y^e will of God will not be done; y^e law (h^e said) was expresse, Leuit. 23, 3: Six dayes shall worke be done, but the 7th day is the Sabbath of rest; a holy convocation, ye shall doe no worke therein, it is the Sabbath of the Lord in all your dwellings: which was not proper to the land of Caanan, but a breife repetition of the 4th Commandem^t that requires that we sanctify y^e Sabbath as a day of holy rest. Now in this way of farmes at such a distance, it cannot be kept as a holy convocation & as a day of holy rest in all o^r dwellings; therefore we shall live in y^e breach of the 4th Commandem^t in this way; besides, there are other things to be attended (as they ought to bee) in a wel ordered Commonwealth, viz^t, to vse all dew meanes to p^ruent sin in others, w^{ch} cannot be done in this way; for many great abominations may be committed & bring the wrath of God on the Plantation, as y^e secret fact of Achan, for w^{ch} wrath came vpon the whole congregation of Israell, because they vsed not what meanes they might to p^ruent it, therefore could they not prosper when they went against the men of Ay; therefore, would we prosper, let vs p^ruent sin what we can in y^e Farmes. Now if they were brought into a Village forme, there might be some officer, as a constable, to looke to civill order; but y^t being not done, he saw not but y^t we are in continuall danger of the wrath of God, because we doe not what we may for y^e p^rvention of disorders that may fall out there. And besides this, we are to looke to the good of posterity. Now it is a sad object to consider how they are deprived of meanes for y^e education of their children; but if they were reduced to Villages, they might then have one to teach their children.

M^r Davenport further said, let there be no divisions or contentions amonge you, but let euery one wth some self deniall set himself to further the worke, so as may be for the good both of y^e Towne & Farmes. He said, he sought not the destruction of the Towne or Farmes, but in his judgm^t he thought, if the Towne fall into a way of trade, then y^e villages might be helpfull to y^e Towne, & y^e Towne to the villages; and if the Towne did not consider of some way to further trade, how they would

subsist he saw not. He further said, he did like it well that there had beene some consultations about a mill, which hath beene an vnknowne loss to the Towne, & a great hurt to the children of the Towne. This of the mill, if God [276] prosper it, may be a furtherance of trade, and if it please God to bless y^e iron worke, it may be also a foundation for trade. Now, put all these things together. The Towne falling into a way of trade will be in a better state, & y^e villages accomodated; the honour of God in y^e sanctification of y^e Sabbath, and y^e vpholding of civill order provided for. M^r Davenport further said that he looked vpon it as a mercifull hand of God that his wrath hath not broke out against vs more then it hath, when sin hath not been p^rvented at y^e Farmes as it might have beene. Let vs now (s^d hee) set o^r thoughts a worke, how the kingdom of Christ may be settled amongst vs, and that the will of God may be done in y^e sanctification of the Sabbath, by redu^ceing y^e Farmes into Villages. But herein we must goe aboue sence & reason, lay this foundation, doth God require it; if he doe, then here we must exercise faith (as the Jewes how they should be supplied, being God had commanded that euery seaventh yeare their land should rest; and for safety, when at the commandement of God all their males must thrice in y^e yeare appeare before y^e Lord at Jerusalem) yet make vse of reason & vnderstanding, that it may be done in such a way as may be for the good both of Towne & Farmes; and the Lord guide you in it.

The Gouvernour also declared that the things spoken of were weighty. He desired that it might be considered in y^e feare of God. He said, he feared the provocation of God was great, most of the farmes being at such a distance that it makes y^e Sabbath a toyle, rather than a day of holy rest.

Sargeant Jefferies said he was marvellous willing y^t Villages should goe on, yet he looked vpon it as a weighty busines, & to be considered, whether Villages will not wrong the Towne much, and y^t it was observed that the Ministry of y^e Colony was much vnsettled,* which is a great discouragement to further such a worke.

* The church in Milford had been vacant since the death of Mr. Prudden in July, 1656, and Mr. Higginson was just about leaving the church in Guilford.

To w^{ch} M^r Davenport answered that Christ holds y^e Stars in his right hand & disposes of them as seemes good to him; but this we must know, that if we obey not the voyce of y^e Prophets, God will take away the prophets. He further said, if we build Gods house, God will build o^r house. He exhorted to consider whether it be o^r duty or not, & said y^t vnles we looke vpon it as a duty, he would neuer advise to goe about Villages nor any thing els of that nature.

Joseph Alsupp s^d that he feared if Villages goe on, it would bring the Towne so low that we should not be able to maintaine the ministry.

John Brokit s^d y^t if the Towne deny accomodation for Villages, & call in the Farmers, he conceived that half of y^e Farmers would not be able to maintaine themselues, so that y^e Towne would be forced to levy rates to maintaine them. He therefore desired that Villages might be encouraged, and the rather wth respect to posterity, w^{ch} he conceived might be [277] provided for in this way, who otherwise would be exposed to great hazzards.

Nathaniell Merriman declared that it was well known that at the first they were many of them looked vpon as meane men, to live by their laboure, therefore they had at first small lotts given them, but they finding by experience y^t they could not in y^t way maintaine their families, they were putt vpon looking out, & that when the Towne gave them these lotts, it was vpon condition they should inhabit vpon them. He therefore desired that it might be considered what loss they should now sustaine by this meanes (haveing there laid out their estates in building & fenceing) if they should be called off from their farmes. He was told that at the first Farmes were managed in another way then now they are; they came with their families to y^e Towne on y^e last day of y^e weeke, and stayed till after the Sabbath; and that their farmes were not put vpon them, but sought by them, & the end propounded was, that corne & cattell might be raised, but y^t end is frustrated, for they need corne from the Towne. He was further told that the Sabbath must be provided for, that it kept as a day of holy rest, both by them & all others.

Edward Camp said that he had laid out himself for his settling

where he was, & was not well able to provide for himself elsewhere. He desired the Court & Towne to consider his case.

The Gouvernour tould him that the expectation of y^e Towne is frustrate there also, it being at first propounded y^t sundry others should settle there as well as themselves.

James Clarke s^d that vpon experience he finds that he can come to the meeting in good time, & stay vntill the publike ordinances be ended, & yet be at home in good time. He was told that it was to be doubted that he did not consider the weight of the 4th Commandement, that requires that he with his family doe keep the Sabbath as a holy convocation & a holy rest in his dwelling.

The propositions made by these farmers respectively were considered & largely debated, against which some particuler men objected that it would be very p^rjudiciall to y^e Towne in point of feede for dry cattell; some others declared y^t they would not engage to sell their propriety in y^e meadow w^{ch} lieth within the bounds propounded, it being a cheife part of their subsistence at the Towne; & to remoue thither they were not willing. But others shewed their willingnes to further this worke.

The Gouvernour declared that there were other farmers w^{ch} he heard nothing off; he desired them to minde their duty, that the Sabbath might be sanctified, and to y^t end both those & these were desired to consult together where [278] they might settle themselves in two Villages, who were told that they might expect that the Towne would afford them dew encouragment. And withall it was declared that it was greivous that the law of the Sabbath was not attended by them, in particuler that they should depart (as many did) before the publike worshipps were ended, w^{ch} vpon debate being found to be the practise of some Towne-dwellers as well as Farmers, it being also informed that sundry are found standing without, in y^e time of publike exercise, and that the beginning of the Sabbath is not attended & that their is much walking & playing in the streets, by young persons in the evening after the Sabbath, w^{ch} was conceived to be very preiudiciall to the good of their soules, it being Sathans opportunity to steale y^e word out of there hearts; wherevpon it was now Ordered that what young person soever (wthout leave from the Gouvernour of the family) shall be found walking or playing in the streets, in the evening after the Sabbath, or who-

soever shall (wthout iust cause) depart before the publique exercise be ended, or shall be found a breaker of the law in refference to the begining of y^e Sabbath,* shall be warned to answere it at the next Court; the care of w^{ch} businesse is left wth y^e Marshall vntil the Court take further order. The Corporalls were also desired to minde the trust formerly comitted to them, in refference to the other disorder.

The Gouvernour informed that it is conceived that it is not for o^r health that the burying place should be where it is†; he therefore propounded that some other place might be thought of, & fenced in, for that purpose. Seuerall places were nominated, but not determined, but left with y^e Townsmen to consider off.

The Gouvernor declared that M^r Auger had beene wth him, & informed him of his intensions to lay downe the practise of phisicke, because his pay is not brought in in season for what he hath done, w^{ch} was witnessed against as an act of vnrighteousnes; those w^{ch} were faulty herein were desired to attend their duty, that these discouragements may be remoued from M^r Auger.

The Court mett the 1th of March 58/59, but there being no business of weight, they sate not.

AT A MEETING OF THE COURT AT YE GOUVERNOURS, THE 22TH OF
MARCH 58/59.

The Court having information from some workemen y^t the dwelling house lately belonging to M^r Goodyeare deceased was in a hazzardous & decaying way, for the p^ruention of damage y^t might come thereby to the creditors to that estate, they did in the behalf of y^e credito^rs & M^{rs} Goodyeare, & wth her consent, & for their vse, sell vnto John Herriman the house aforesaid, wth the barne & kitchen, wth 2 brass coppers, with what [279] els

* At sunset on Saturday. See N. H. Colonial Records, i, 358.

† Around the meeting-house, in the center of the Green.

is included in the somme of 120^l, as it is exprest in y^e inventory; in consideration whereof the said John Herriman doth bind him self to pay the afores^d somme of a 120^l in current country pay, the one half at or before the second of February next, the other half at or before the first of Nouember following.

AT A COURT HELD AT NEWHAVEN THE 5TH OF APRILL, 1659

An inventory of the estate of M^r Isaac Allerton, late of New haven deceased, was p^rsented, amounting to 118^l, 5^s, 2^d, (besides some debts dew to the estate, some of w^{ch} were not summed) taken the 12th of Feb. 1658. M^{rs} Allerton, the widdow of y^e deceased, testified vpon oath that therein was contained y^e whole estate of her deceased husband wthin this Jurisdiction, to y^e best of her knowledg. W^m Andrewes & Will. Russell attended vpon oath y^t the apprizem^t was iust according to their best light. M^{rs} Allerton was asked whether there was any will left by her husband, to w^{ch} she answered, there was, but she thought y^t her sonne had it with him, who was now gon from home, w^{ch} y^e Court desired might be brought forth at his returne.

Timothy Ford being warned to the Court appeared, who was told that his sonne Samuell should have beene here as well as himself; to w^{ch} he answered that he knew not where he was, & y^t he went to bed at night, but in y^e morning was gone, but whither he knowes not. Timothy was told y^t it was his duty, either to have delivered him to ye Marshall, or to have brought him to y^e Court. He was asked if he did not tell him that he was to come to the Court; he said, he did not speake to him, nor did he heare it of him. He was asked if he had not information by his meanes; to w^{ch} he said, no, not in y^e least, as he knew of. Timothy was told that there were seuerall other things w^{ch} should have spoken to, but his sonns absence puts a stopp to it, & that it was through his neglect that his sonne is gone, & that it is not fully cleared but that he was accessory to it. The business having thus far proceeded was left to be further considered another time.

John Brookes, haveing formerly beene fined 10^s for being drunke, w^{ch} he professed to be sorry for, did desire the abatem^t

of y^e said fine; he was told that it had beene most satisfactory had he given no occasion to lay the fine vpon him, but in refference to his pouerty the Court would consider what to doe in y^e case.

M^r Tuttle in an action of y^e case ag^t M^r Atwater declared concerning a debt dew to M^r Atwater in beife, w^{ch} the said M^r Atwater refused to receive. After sundry allegations and proofs made by y^e plan^t, wth answers & replies of y^e defend^t, the plant. withdrew his action.

The last will & testament of Hannah Beacher, late of New-haven deceased, was by her sonne W^m Potter p^rsented, w^{ch} being read & attested vpon oath by M^r Mathew Gilbert & M^r John Wakeman (witnesses to the s^d will) to be y^e last will of the deceased, according to their best knowledg, It was judged legall.

[280] Also an inventory of the estate of the said Hannah Beacher was p^rsented, amountinge to 55^l, 05^s, 06^d, attested by Will. Potter vpon oath to be a full inventory of her estate, to y^e vallew of 12^d, to the best of his knowledge. M^r Wakeman & Tho. Kimberly attested vpon oath that y^e apprizem^t was iust, according to their best light. [Added later:] Isaac Beacher acknowledged y^e receipt of his 3^d part, to his satisfaction.

M^r Atwater doth alienate for ever vnto John Allen the home lot, with the house wth all y^e appurtenances to it belonging, w^{ch} was alienated to him, Jan. 3, 1653, by Robert Bassett.

Nicholas Elsy, who was formerly nominated by Ester Clarke for her guardian, now accepted of it & now engaged to take care for the p^rserving & improueing of the portion belonging to her.

Francis, the widdow of Edward Hickcocke, deceased, haveing formerly informed the Court that somethinge of the nature of a will was exprest by her late husband a little before his death, now desired to give prooffe of the same; & vpon oath affirmed that her husband often said in her heareing that if hee lived he would give to her kinswoman, Elizabeth Perry, a portion equall to his owne children.

Mathias Hichcocke vpon oath testified that Edward Pattison & himself being at Goodman Hichcocks, when he lay sicke, that Goodwife Hichcocke said vnto her husband, you know y^t there

was something reserved for my kinswoman; to w^{ch} he answered, Yea, there is 2 coves for her; to w^{ch} shee answered, there is more then that; to w^{ch} hee replied that he intended (if he lived) she should have a portion equall with his children; vpon w^{ch} he asked him, what his minde was, if it should please God to take him away; to w^{ch} he answered that he did then intend y^e same.

Edward Pattison vpon oath affirmed that he being at Edw. Hichcocks when hee lay sicke, he heard him say y^t if he lived he intended to give his wives kinswoman a portion equall wth his owne children, & that he heard something propounded to him by Mathias Hichcock, but what his answere was he heard not: w^{ch} testimonies being weighed, the Court ordered y^t Elizabeth Perry, the kinswoman of widdow Hichcocke shall have a childe part equall with y^e children of Edward Hichcock.

Jeremiah Whitnell desired that a parcell of land, lying in y^e suburbs quarter, containing about 3 acres, w^{ch} he bought of M^{rs} Goodyeare, might be alienated to him, bounded on y^e South wth the land of M^r Goodyeare, on y^e North W^m Tompson, on y^e East wth y^e highway, w^{ch} y^e Court granted.

At a Meeting of the Towne, Aprill 1659, after viewing armes, Liberty was given to let lands to Indians to plant in y^e Quarters, y^e suburbs quarter excepted, being many of the proprietors there objected against it.

[281] AT A COURT HELD AT NEWHAVEN THE 3D OF MAY, 1659

The Treasurer desired directions from y^e Court, what course hee should take concerning John Tompson, Junio^r, of whom he hath demanded 40^s, 6^d, dew vpon rates, & 5^l vpon fine, from whom he hath received no satisfying answere; vpon w^{ch} the Court ordered y^e Marshall to make seazure of 7^l, 0^s, 6^d, of y^e estate of Jo. Tompson.

Tho. Mulliner declared that he desired to appeale to y^e Generall Court concerning a sentence past against him by y^e Court of Magistrates, concerning some lands formerly in question. He

was told y^t y^e appeale must be made before y^e Judges, & y^t within 3 dayes after the sentence according to the law in y^t case. It was also declared y^t his cariage hath beene very offensive. It was therefore expected that hee make his appearance before the Court of Magistrates, the of this p^rsent, to give answer to what shall then be aleadged against him.

John & Samuell, sonns of Edward Hichcocke, deceased, propounded for liberty to chvse their guardians; John y^e eldest sonne, nominated Samuell Andrewes for his guardian; but the Court advised him to take y^e advice of Deacon Miles & Ensigne Lindon & any other of his freinds in this matter; Sam. was thought not to be at age; therefore the case concerning both of them was respitted vntil another time.

Martine Tichnell,* having bene formerly fined 18^s for defective fence, vpon a motion made in his behalf, information being also givinge that he was in some p^rsent want for y^e comfort of his family, y^e Court remitted 8^s; the other 10^s y^e Marshall was ordered to receive, for w^{ch} he is to be accountable to y^e Treasurer.

AT A MEETING OF THE COURT THE 11TH OF MAY, 1659.

Francis, the widdow of Edward Hichcock, deceased, havinge informed that there was a considerable alteration of y^e estate of her deceased husband since the inventory was taken, the Court ordered that a new inventory should be taken, before they proceeded to the devision of the estate betwixt the widdow and others y^t were interested therein, w^{ch} accordingly was done & p^rsented to the Court, amounting to 185^l, 10^s, 09^d; Deacon Miles and John Cowper did testiffy vpon the oath they had taken y^t the apprisement was iust, according to their best light; w^{ch} estate being divided, y^e proportions are as followeth: to Francis, the widdow of the deceased, 61^l, 16^s, 11^d; to John, the eldest sonne 41^l, 5^s, 0^d, w^{ch} was by his consent comitted to Ensigne Lindon; to Mary, the eldest daughter, 20^l, 12^s, 2^d, 0^f; to Abigaile, 20^l, 12^s, 2^d½, w^{ch} was at her desire comitted to Sargeant Munson; to Samuell, 20^l, 12^s, 2^d, 0^f, who being not of age to chuse his gardian, it was at the p^rsent. to remaine vnder the care of the

* Tichenor.

Court; to Elizabeth Perry, a kinswoman to the widdow, who according to y^e minde of the deceased was to have a child's part, as by y^e records doth appeare, 20^l, 12^s, 2^d, 0^f, w^{ch} was left wth the widdow vntill further ord^r; all w^{ch} amounted to 185^l, 10^s, 9^d; but what shall appeare due to W^m Andrewes or Edward Pattison, out of the estate, is to be paid by the parties y^t possess the estate, according to proportion.

[282] AT A GEN. COURT HELD AT NEWHAVEN THE 16TH OF MAY,
1659

Leiftennant Nash & Ensigne Lindon were chosen Deputies for the Jurisdiction Generall Court.

M^r Wakeman, Leiftenn^t Nash, Ensigne Lindon, & Will. Gibbard were chosen Deputies for New haven Court.

William Russell was chosen Treasurer.

William Gibbard was chosen Secretary.

Tho. Kimberly was chosen Marshall:

Roger Allen, Samuell Whitehead, Nicholas Elsy, James Bishopp, John Cowper, Will. Davis, Abraham Dowlittle, were chosen Townsmen, all for the yeare ensuing. John Herriman was the next in choyce, for a Townsman, in case the providence of God doe hinder any of the other.

M^r Tuttle informed that there was great inequallity in y^e number of cowes in y^e heards, w^{ch} he desired might be rectified, which y^e Townsmen were desired to doe, if they finde any considerable error in it; & for the better p^rpareing of y^t business for the time to come, it is Ordered that those who were appointed to heard together the yeare past shall yearly bring in y^e number of their cowes to the Townsmen at their meeting the first second day in March, that they may the better know how to give order therein.

Liberty was given to John Potter & Ellis Mew for this yeare to cutt the 20 acres in the fresh meadow, w^{ch} formerly M^r Tuttle had, they paying rates for it.

William Andrewes & the rest of the Farmers at Southend propounded their desires, & request, that the rates they have hitherto paid for their necke of land might for time to come be abated,

w^{ch} they said they have found very heavy, it being an ou^rplus beyond what other inhabitants pay. They were told that they have an ouerplus of land beyond what other inhabitants have. The Records concerning the grant of their land were read and debated, but in y^e issue determined to be left wth y^e Townsmen, to whom they might repaire, who are to consider the case between the planters at Southend & the Towne, & betweene y^e planters at Southend & those at Stony River; w^{ch} being p^rpared, they are to make their returne to the Towne at their next meeting.

Widdow Halbridge* haveing beene oft put vpon remoues, a motion was made on her behalf for a small peice of ground to sett a house on, w^{ch} y^e Towne was willing to; it was therefore left wth y^e Townsmen to set her out some small peice of land, if any can be found convenient for that purpose, or to purchase to 20^s vallew, w^{ch} is to be paid by the Treasurer.

Deacon Miles informed that their are many that stand debtors to the Church Treasury in M^r Gilberts booke (lately deacon); hee desired y^t some course might be thought of for y^e issuing of those acc^{ots}, who now engaged to attend at home y^e 5th & 6th day next, for the cleareing of those accounts wth such as shall repaire to him.

[283] The Farmers being warned were told that the reason why they were called was because many of them have withheld the laboure dew from them for the carrying on the worke for a new Mill, though it were agreed vpon by the vote of the whole Towne. They were desired to shew them selues, & to give their reasons if they had any thing to say against the worke, that it may be considered, that the Towne might not run further into an error; vpon w^{ch} Sargeant Beckly desired to know if there were any that would assure the worke, y^t it should come to perfection, to w^{ch} it was answered that there had beene the best advice taken y^t we could, & they encourage in it, but how it will suckseed, we cannot assure o^rselues. Sargeant Beckly objected against his paying of rates for commonage (as he called it), but was told that y^t question was already left wth y^e Townsmen to consider of, but y^t euery man further y^e worke according to his estate it was expected.

* Or Holbich.

John Punderson informed that the fence of the corne feild in y^e ox-pasture is so bad that the corne is not like to be p^rserved; wherevpon it was ordered that such as are interested in y^e said feild, shall meet at John Pundersons at 5 a clocke this day, to consider of some way for the repaire of y^e fence, for y^e p^rservation of the corne, least God be prouoked.

A letter from Milford was read, wherein it was declared that they desired that M^r Treat might be ellected to the office of a magistrate for the Jurisdiction, at y^e next Court for ellections.

AT A COURT HELD AT NEWHAVEN, JUNE 7TH, 1659

James Russell, y^e Clarke of the band, informed y^t Tho. Meekes, Christopher Todd, Jehoyell Preston, Zachary How, Allen Ball, & John Peck were absent at Training, whose answeres were accepted by the Court.

The Clarke also complained of Sam. Clarke for not attending the Training; to w^{ch} he answered that he was there, but was disabled to traine, haveing that day received a hurt by a peice of timber; who brought John Hinde to give testimony in y^e case; who affirmed that Sam. Clarke was very lame at y^e time, for 2 or 3 dayes, & vpon that occasion hired him to wach for him. But the Clark informed that he vnderstands that he went to Milford the same day. Sam. Clarke confest that he rod to Milford y^t day; wherevpon he was told that if he could goe to Milford, it is probable he might have trained. The Gouverno^r asked him what he had to say concerning those other miscarriages formerly vnder consideration, for w^{ch} he was to attend the Court, & y^t was expected that he hold forth his repentance for the evils he stands charged with. The Gouverno^r told him that he had heard with greife what he had heard concerning him, whereby it appeared that he was a lewd young man. The Court haueing by an Order prouided against young persons walking abroad vnseasonably the evening after y^e Sabbath, it was said that he cavills against the Order, & goeth forth without the consent of the Gouverno^r of y^e family, & is found hankering about mens gates, to draw out company to him. Sam confest that he did some times go out in y^e evening [284] after the Sabbath, but

withall said that he went vpon busines when he did goe forth. He was asked what business he had, when he was hankering at Roger Allens gate, who reprocued him for it; to w^{ch} he answereng that he remembered it not, but Roger Allen with some others who could speake to the cleareing of the case being not p^rsent, the whole business was respitted till the next Court, and he wisht to consider in y^e meane time what the Scripture saith, he y^t being often reprocued hardeneth his necke, shall suddenly be destroyed, & that without remedy.

John Brookes being absent from training, pleaded that he had that day a teame to plow for him, w^{ch} he could not obtaine at another time; w^{ch} answeare being given, the Court declared y^t by y^e Order he fell vnder the fine; but he being a poore man, he might (if hee saw cause) propound it to y^e Towne, to see if they will remitt it; otherwise it must be paid.

The Court, in y^e behalfe of M^{rs} Goodyeare & y^e creditors to the estate of M^r Goodyeare, deceased, doth alienate for ever vnto John Herriman the dwelling house wherein M^r Goodyeare lately dwelt, wth the home lott proper therevnto, wth the barne & kitchin, wth 2 brass coppers, all w^{ch} are included in the some of 120^l, as it appeares in y^e Inventory.

M^r Wakeman doth alienate for ever vnto John Punderson his house, barne, home lott, orchard, wth 15 acres of vpland in y^e quarter, bounded on the East wth y^e quarter fence, on the South wth y^e land of Jer. Osburne, on the West wth y^e land y^t was Richard Platts, on the North wth y^e highway, also 9 acres of meadow adioyning to the West Causey, 5 acres of meadow lying at the reare of the Hartfordsheire quarter, lying betwixt the meadow of John Benham & Hen. Glouer, 30 acres of the second division, not yet determined where, wth the right of commonage belonging to the house & such parcells of land as is before exprest.

David Atwater plant.	}	The planteife, in an action of
M ^r Goodenhouse defendt.		
that he hath beene wronged by M ^r Goodenhouse & his wife in saying that he had taken away their lands, & that the afore-said M ^r Goodenhouse had trespass him, by falling trees vpon his land. The defendant desired that y ^e plant. might proue what he said, w ^{ch} being done he would give his answeare: wherevpon		defamation and trespassed, declared

David Atwater said that he haveing heard that M^r Goodenhouse & his wife had declared themselues vnsatisfied with him about the land he had sould to Sam Marsh, they both went to speake wth them about it, & they then said the land was theires, & that Leiftenn^t Seely had dealt vnrighteously in laying it out to him. That M^r Goodenhouse & his wife spake to that purpose, Samuell Marsh also affirmed.

The Gouvernour declared y^t M^r Goodenhouse had beene wth him about the land, as being vnsatisfied, who said that what he sought for was for the good of the children of Captaine Turner, & y^t he desired onely what right in the case; & that he advised him to get the land surveyed, & the Court would see to it y^t justice should be done in y^e case, so farre as in them lies.

[285] The planteife further declared that when y^e lott was first granted to him, he asked the surveyor, Leiftenn^t Seely, if the plaine behinde the Mill was his, & he said it was his; after that he went to M^r Goodenhouse & desired him that the line might be laid out betweene them, but he refused; wherevpon he desired Leiftenn^t Seely to go & lay it out, who went & laid it out by the old marked trees, & drew a plott of it, w^{ch} was now p^rsented to y^e Court, w^{ch} plott tooke in part of the barne of Captaine Turner & part of the fenced land about y^e barne, as was conceived. M^r Goodenhouse s^d he conceived y^t Captaine Turner would not build & set vp fence on anothers mans land; but David Atwater said that he hath heard that Captaine Turner himself hath questioned it.

John Herriman said that about 15 yeares agoe he cutt wood there, but where the line run he knew not, but he remembers that there was a stake stood by the spring side, but whether it was there set for a landmarke, or not, he knoweth not.

Edward Parker said that he ap^rhends that the stake at the spring was in the line betwixt them, & that they cutt pipe staves there in a bottom, w^{ch} Captaine Turner tooke pay for. To w^{ch} David Atwater answered that he had 14 or 15^s in recompense for trees falne by Captaine Turner on his ground.

Henry Hummerston said that Captaine Turner shewed him the bounds, & bid him take notice of it, & ordered him to girdle trees downe to the calues pen, & y^t he can now shew 2 trees w^{ch} are marked, w^{ch} trees Captaine Turner said stood in y^e line.

W^m Andrewes said that he thinks he can shew the place where Captaine Turner appointed him to set vp y^e fence, & y^t he did fall trees on the hill neare the Mill which hee bought of Captaine Turner, but he thought that some allowance was given backe to David Atwater for them.

W^m Paine by a note vnder his hand testified that Captaine Turner shewed him the bounds betwixt David Atwater & himself, & to his best remembrance it run from y^e meadow to the corner directly, & so forward, & in that bounds he gave him order to fall timber, & that he told him that the line run some 3 yards within a great white oake y^t grew ouer the hill w^{ch} oake did belong to David Atwater.

The Court findeing that notwithstanding the seuerall testimonies given in, the matter was yet in y^e darke where the line should run betwixt them, therefore M^r Goodenhouse was told that he ought not to speake to the reproach of either David Atwater or the Surveyo^r; & wthall M^r Goodenhouse was advised to procure a Surveyo^r to lay out his land, & for his direction herein he was appointed to run a straite line on the further side of his land, next James Clarkes, from the meadow to the Mill River, & so measure onwards towards David Atwaters; w^{ch} being done, if any question remaine, he p^rsenting it to the Court, it shall be considered, that what is right may be done in the case.

[286] AT A GENERALL COURT HELD AT NEWHAVEN THE 23TH OF
JUNE, 1659.

The Orders made by the Jurisdiction being read, & therein it being recomended to the Towne that they would make some allowance to Edward Woster for the service he hath done in killing 7 wolues at Paugasett, w^{ch} was debated, & in y^e issue determined y^t they saw not cause to give anything for the killing of wolues at Paugasett, it being not within the limitts of Newhaven.

The Treasurer informing that he had disbursed a great sum for killing of foxes, it was Ordered that whosoeuer doth bring an old fox head to the Treasurer, shall henceforward receive but 18^d, & for a young fox head 9^d.

that it was vnder consideration by y^e Court of Magistrates in May last, at w^{ch} time sundry debts were demanded, but they being informed that he desired it might be forborne till he came home, vpon that ground the matter was respitted. A writeing was now p^rsented, sealed & subscribed by M^r Allerton, deceased, signifying his desire that his wife, M^{rs} Allerton, & M^r Isaac Allerton, his sonne, as trustees, would gather in y^e estate & make paym^t of his debts; w^{ch} being read, it was propounded to M^r Allerton that he would administer vpon y^e estate & see to the discharging of the debts, according to his fathers desire; to w^{ch} he answered that the estate was so disipated that it would be both troublesome & chargable to gather it in; he was not willing therefore to accept of a generall administration at this time, but if it might be granted that he [288] might be possest of the estate here, he would engage to be accountable for it, according as it is prized in the inventory. To w^{ch} the Court answered that sundry of the creditors not being present, the Court did not judge it expedient so to doe, being he would not accept of a generall administration; y^e matter haveing thus far proceeded, it was by y^e Court ordered that, seeing M^r Allerton refused an administration, that therefore y^e bookes of accounts, wth all bills or specialties shall be sent vnto the Secretary, to be kept by him untill y^e Court of Magistrates in October next; and that in y^e meane-time that by a writeing set vp at the meeting house dore intimation be given to such as are creditors to the said estate, that if they make their appearance at the Court of Magistrates in October next, their demands shall be considered.

AT A COURT HELD AT NEWHAVEN AUGUST THE 2D, 1659

M^r Lamberton, being absent on a training day, gave his answere, w^{ch} was accepted by y^e Court.

Tho. Mulliner did for euer pass ouer to Tho. Johnson & James Heaton 170 acres of vpland lyeing on the West side, nere a place called M^r Malbons coue, bounded as it is or shall be determined by the foure men appointed by y^e Court of Magistrates in May last for the issuing of that question, & 30 acres of meadow, 18 of w^{ch} lieth in y^t cald M^r Malbons meadow, being all y^e propor-

tion y^t was there belonging to M^r Hawkins his lott, & the rest a part of that w^{ch} was M^r Lambertons meadow, with his dwelling house & barne with all right of commonage therevnto belonging.

A bill of sale from Leiftenn^t Seely to M^r Murline (of his dwelling house, with the orchyard, wth y^e breadth of it, in right lines downe to the creeke, a highway of 4 rod excepted) was p^rsented and approued, & ordered to be thus recorded.

M^r Gilbert & M^r Wakeman were desired to take an inventory of the estate still remaining here left by o^r late honoured Gouverno^r & his wife, both deceased, & to take care y^t it be p^rserved for y^e vse of such as shall appeare to have right therevnto.

AT A GEN. COURT HELD AT NEWHAVEN THE 8TH OF AUG: 1659.

John Parmely & William Judson were admitted freemen, and tooke the freemens charge.

The Committee for the Mill acquainted the Towne that they had beene in treaty wth William Andrewes about the setting vp of a new Mill, and that he required two men to be constantly wth him for to help him in the worke, w^{ch} they could not doe vntill they had spoke wth the Towne. William Andrewes declared that y^e agreement was made about 3 weekes since, & whereas he [289] should have had about 30 dayes worke by this time, he hath had but 9 or 10, w^{ch} hath beene a great hinderance to the busines. He desired that he might have some men to help him y^t are skild in hewing timber. Sundry particular men were nominated, & some that were p^rsent were spoken to for their help, but no certainty of sutable help being attained, it was at last by vote determined y^t y^e Committee or the major part of them shall have power to press either men or teames y^t are fitt for the service, who are to have dew satisfaction out of the rates leaved for this busines, y^t the worke be not hindered, w^{ch} y^e Towne desired might be carried on wth what convenient speed it may.

Jer. How was warned to take care of his mare, w^{ch} was said to be vnruely.

Edward Watson desired a little peice of meadow on y^e Island, w^{ch} for this yeare was granted.

The Townsmen declared that the former Townsmen haveing heard that M^r Winthrop was about to sell, or to lett for some long time, his house w^{ch} he bought of the Towne, they desired the Gouverno^r to write to him about it, & to desire him, if he were resolu^d to part with it, that they might have the refuse of it; accordingly y^e Gouverno^r did write, & M^r Winthrop in a letter return'd answere, wherein he expressed that he was vnwilling, yea very vnwilling, to part wth y^e house, yet if it might accomodate y^e Towne, he left it to y^e Gouvernour, M^r Gilbert, M^r Davenport, M^r John Davenport, or any 2 or 3 of them to dispose of it as they shall see cause; but they thought it not their way to dispose of it, & advised with the Townsmen about it, who did thinke it was best to lett the busines rest till M^r Winthrop came; & when he did come, the Townsmen spake wth him, who first told him y^t it was their desire that he would come & settle in his house with vs, & y^t M^r Winthrop declared that he could not engage so to doe, & did then tender it to y^e Towne againe, & they bought y^e house of him, since w^{ch} time they heare it reported in y^e Towne that M^r Winthrop was not willing to part with it.

M^r Jo. Davenport said, that M^r Winthrop should be both willing & vnwilling might be very well reconciled, & for y^t w^{ch} hath beene reported, that he was about to lett it for 20 yeares, he said that he spake with him about it, & he implicitly denied it, but profest he knew it not, & y^t he further said that in all treaties he had with any about letting the house, he alwayes reserved liberty to live in it when he would. M^r John Davenport propounded that, although y^e house bee bought, yet that it might be left in M^r Winthrops hands vntill his returne from y^e Bay, & y^e rather because there is stones come for y^e Iron worke, w^{ch} he conceived might be an inducement to him to come hither.

[290] To w^{ch} the Townsmen answered that y^e matter had beene long vnder consideration, & carried wth all respect to M^r Winthrop, and y^t he did shew himself willing to part with the house, & said that it was inconvenient, both to the Towne & to himself, that y^e house should be in the state it was, and the selling of it should not alter him from coming or not coming to Newhaven.

John Cowper declared that he heareing it reported y^t M^{rs} Winthrop was troubled that the house was sould, he asked M^r Winthrop about it (on the morrow after they bought it) & M^r Winthrop said, noe, onely in this respect shee was troubled, that they could not accomodate matters so y^t they might live here.

The matter concerning the Townsmens proceeding in repurchasing the house of M^r Winthrop haveing beene thus declared, it was approued by the Towne.

AT A COURT HELD AT NEWHAVEN THE 6TH OF SEPTEMBER, 1659.

Tho. Mulliner entred an action of debt, & declared against Jo. Downe for 6 bush. of wheat wanting a quarter of a peck and for rent for part of his house & barne. John Downe demanded of Tho. Mulliner recompense for damage done by his horse in his corne; w^{ch} at last was betwixt them agreed that the wheat demanded of Jo. Downe should be paid by 4 booshell of wheat, & y^e rest in Indian corne; the other part concerning the rent demanded by y^e plainteife & damage by the defend^t was by consent of both parties agreed to be referred to arbitration, so that no sentence was given in y^e case.

Wampom, the Sachem of Totokett, entred an action against Thomas Mulliner concerning damage he sustained in corne planted vpon land hired of him; but through the want of an interp^rter, the Court could not come to the knowledg of the case. The pl. was desired to procure an interp^rter against the Court in October next, at w^{ch} time he was told that y^e Court would attend the issuing of this matter.

Rich. Beckley, plaint.	}	The plaint. in an action of wrong
Widdow Hichcock, defend ^t .	}	& slander declared that the defend ^t

had from time to time gon on to wrong both him & his wife, concerning w^{ch} he gave sundry instances; first, that Goodwife Hichcock haveing reported to his wife some evill done by one to whom she stood in church relation, wishing her to say nothing of it, w^{ch} his wife accordingly concealed for a time, but was afterwards troubled y^t she had neglected her duty, & therevpon spake to Goodwife Hichcock of it, to w^{ch} she replied that it was pratling,

& that shee went about the worke of the divell, wth other offensive words; for w^{ch} he intended to bring her to the Court, but was perswaded to submitt it to a private hearing, w^{ch} being done & the case heard, the arbitrato^rs told her that shee ought to give satisfaction; but instead of attending their counsell, shee told Goodwife Andrewes that his wife was a liar & a backbiter, & that she made difference amongst neighbours, & that her tongue was no slaunder; to w^{ch} Goodwife Andrewes answered that if those things were so, shee was not fitt for churchfellowshipp, & shee s^d that shee must tell her of it, who out of tendernes did tell her of it; w^{ch} he vnderstanding he went to Goodwife Hichcock and [291] spake to her of it, & asked her why, in stead of giveing them sattisfaction for the wrong he had done, shee should so againe abuse his wife in that manner, but shee returned very bad language & s^d that shee was advised to have nothing to doe with him & his wife, & that shee was told such things concerning them that if he had knowledg of it would make him tremble; wherevpon he prest her to bring out her author, to w^{ch} shee answered that it was a sister of the Church, but what sister shee would not declare, vnto w^{ch} shee added many prouoking words & carriages, & that shee tooke a wisp & put it to his nose 2 or 3 times & said, go on scold, go on scold, & wisht them all hangd, & that his nose was in his wiues brich & her self a hammer to drive it in; she further s^d that shee hoped neuer to meet them in heaven; that these things were so, for the substance of them was witnessed by Sam. Andrewes.

Widdow Hichcock was asked what shee s^d to these things w^{ch} are declared & testified; to w^{ch} shee answered y^t shee could not tell what to say, but she desired to judge herself for such vnsavory speeches; but shee was told that they were wicked speeches.

The plaint. further declared that these things were also heard & examined by the arbitrato^rs who declared y^t shee should give satisfaction in y^e p^rsence of their neighboures, w^{ch} shee tendered, but it was very short compared with her miscarriages. Neuertheles he told her y^t he would pass by what was past, provided that shee wronged them not for time to come; but since that time shee hath laid theft to their charge, & y^t they allowed their children to breake y^e Sabbath, w^{ch} things he said if they were

true, they were not fitt to liue in y^e woods nor in y^e Commonwealth. Concerning that particuler of theft, he said that Goodwife Hichcock had said that they had sent their children to steale the Indians beanes; that shee had so said was testified by John Beckly. Vnto w^{ch} y^e defend^t answered that Sargeant Beckly had charged her children wth theft; to w^{ch} Sargeant Beckly now answered that y^e ground of that w^{ch} he spake was this: Sargeant Andrewes haveing desired him to looke after his things at y^e Farme, he saw her children had taken water millions & carried & eat them amongst the corne, wherevpon he s^d (thought) y^t y^t action had the appearance of theft in it; vnto the other particuler, about y^e breach of the Sabbath, Goodwife Hichcock now affirmed that she had seene theire children playing & picking black berries on the Sabbath day; to w^{ch} Sister Beckly replied that God by his providence did sometimes hinder them from coming to y^e meeting, but they allowed them not to breake y^e Sabbath, but charged them that they keep the house, & she thought that Goodwife Hichcock spake not true in saying that their children goe out to gather blackberries on the Sabbath day. The plant. further declared that Goodwife Hichcock hath said that his wife rose in y^e night & droue hoggs into her barne, to w^{ch} Sister Beckly now answered that what she did was in y^e evening, w^{ch} was onely this: [292] Shee did put their owne hoggs into their yard, where there were cattell, but shee knew not that the Barne was open, w^{ch} Goodwife Hichcock could not contradict. Sister Beckly further said that Goodwife Hichcock had charged her that shee made a lie at the first arbitration, but the lie was made by herself, for w^{ch} shee hath not given satisfaction to this day.

The plant. further said that Goodwife Hichcock hath carried very offensively to Mathias Hichcock,* when he shewed himself offended at her prouokeing carryages; she challenged him into the high way, saying she desired noe better law against him, & y^t if she had him abroad, shee would bump his mouldy brich, & that she afterwards related some of these evill carriages of hers to some young person or persons, speaking of it in a glorying way.

Leiftenn^t Nash, who was one of the arbitrato^rs, now informed

* Brother of her husband, Edward Hitchcock.

that when the former things now alleadged by the plainteife were vnder consideration, that Goodwife Hichcock alleadged that Sargeant Beckly prouoked her, but enquiry being made of Samuell Andrewes & Goodwife Andrewes (who heard sundry things that past betweene them) they testified that Sargeant Beckly spake as a man y^t was angry & greived at her carriages, but that hee vsed any prouokeing expressions, they observed not. Leiftenn^t also told Goodwife Hichcock that she knew how much adoe they had with her, & y^t a day or two was spent about this busines, & that she had liberty to say what shee could for her self before most of the neighboures who were p^rsent, & how hard she was to be convinced of her evill; and that shee then spake of her repentance & assurance; but she was told that her carriage argued that she had a rotten & corrupt heart, & that if God had given her repentance, she would owne her sin before God & men also, as the case required; and in y^e conclusion they left this counsell with her, to apply herself to give satisfaction to those she had offended: but this is the fruit of it, that she breakes out into new offences, as is declared. The plainteife & defend^t haveing nothing more to add, it was by way of sentence declared that the Court had heard with greife the things alleadged & proued against Goodwife Hichcock, w^{ch} are very abhominable & not to be named amongst Christians, w^{ch} things manifest that the poyson of asps is vnder her lipps, as appeares by her speeches & carriages to Sargeant Beckly & his wife, & by what she doth implicitly charge vpon a sister of the Church, as also her corrupting discourses to young persons. For w^{ch} mis-carriages the Court did order that, in way of reparation to Sargant Beckly for the wrong done to him, that she shall pay to him 10^l, & 40^s fine to the publique for her corrupting discourses to others, vnto w^{ch} is added the charges of the Court.

[293] AT A MEETING OF THE COURT THE 12TH OF SEPTEMB, 1659.

Whereas there was the some of 100^l given by M^r Nathaniel Riley for the good of some part of New England, w^{ch} was by M^r John Evance, sometime of Newhaven, delivered vnto Theophilus Eaton, Esq., the late Hono^rble Gouverno^r of Collony,

w^{ch} was by him given to New Haven, and his will doth appeare, 20^l of w^{ch} somme, or thereabout, is already received in books, the remainder appointed to be received out of the estate of M^r Stephen Goodyear, deceased, or so much of it as shall be found dew out of that estate, & y^e remaind^r to be paid out of the estate of the afores^d Theophilus Eaton, Esq. But it being found difficult to cleare the accounts betwixt y^e estates of y^e afores^d M^r Eaton & M^r Goodyear, vpon a motion made to M^r Valentine Hill, & M^r Yale as agent for M^r Theoph. Eaton & M^{rs} Hannah Eaton, it was betwixt them & the Townsmen of New Haven agreed y^t for the full issuing of the busines depending, that they resigne vp their full interest in y^e Mill at New haven for the discharge of the remainder of the said some of 100^l vnto y^e Townsmen for the vse of the Towne. And the Townsmen doe hereby declare that they remitt any further claime in refference to the 100^l abouesaid, both from y^e estate of y^e aforesaid Theophilus Eaton, Esq., as also from the estate of M^r Goodyear, both deceased.

AT A COURT HELD AT NEWHAVEN YE 4TH OF OCTOBER, 1659

Will. Andrewes by his booke demanded of Goodwife Hichcocke a debt of 25^s, but shée not being cleare in some of the particulars, it was by both parties agreed that 20^s should be y^e ballance of the account betwixt them, w^{ch} 20^s is to be p^d out of the whole estate by the parties interested in the estate of Edward Hichcocke, according to their different proportions.

M^r John Davenport, Pastour to the Church of Christ in Newhaven, doth alienate for ever unto his sonne, M^r John Davenport, the third part of his first division, containing about 20 acres of land, bounded with the highway to the Mill on y^e front, y^e Mill River on the reare, Phillip Leekes land on the South, Timothy Nash on the North.

An inventory of the estate of Edward Camp, late of Newhaven, deceased, was p^rsented, w^{ch} inventory being not perfected, it was returned to be compleated against the next Court.

M^r Bryan demanded out of the said estate, in behalf of himself & his sonne, 31^l: 16^s: 0^d; Will East, 7^l: 18^s: 11^d; M^r Pell, as by an account vnder his hand, 4^l, 10^s; M^r Bryan informed

that Farmer Clarke of Milford demanded 6^l: 9^s: M^r Auger, 2^l: 11^s: 6^d. The estate as it was p^rsented being but small, & y^e debts now demanded, with other knowne debts yet to come in, appeareing to be many, the widdow was not willing to accept of the administration; therefore the estate fell into the hands of the credito^rs; at w^{ch} time some of them in favour to the widdow shewing their forwardnes to remitt part of their claime, they were desired to go together & consult about it, calling to them such other credito^rs as were at hand, of w^{ch} issue they might give information y^e next Court.

[294] Ensigne Lindon, in the behalf of John Hichcock, Tho. Munson in y^e behalf of Abigaile, widdow Hichcock & Mary Hichcock in their owne behalfe, & y^e Court in the behalf of Samuell Hichcock, doth alienate for euer vnto Mathias Hichcock the whole accomodations at y^e South end, lately belonging to Edward Hichcock, deceased, w^{ch} is a fift part of the meadow & vpland given by y^e Towne to the proprietors there.

The Secretary was appointed to set vp a writeing at y^e meeting house doore, w^{ch} is as followeth:

Whosoeuer is debto^r or credito^r to y^e estate of Edward Camp, late of Newhaven, deceased, is desired to bring in the account thereof to William Gibbard, Secretarie, betwixt this & the Court to be held at New haven the first third day of the weeke in Nouember next, at w^{ch} time the Court will consider of the proof made of debts demmanded, & so order as they shall see cause.

AT A GEN. COURT AFTER TRAINING, OCTOBER YE IOTH, 1659.

It is Ordered that two rates shall be paid by every man, according to their proportion, the one half sometimes wthin six weekes, the other half by y^e latter end of March following; the half of one rate to be pd in corne, at such prises as was last Ordered by the Gen. Court for the Jurisdiction.

It was declared that the Committee had also leuied two rates for the carrying on the Mill worke.

M^r Wakeman declared that he supposed that y^e Towne vnderstood y^t one half of the Mill was bought of M^r Yale for y^e Towne. He desired to know whether y^e other half should be

hired, or bought of Sargeant Fowler, or that a paire of new stones be prouided, one of the two being conceived necessary; concerning w^{ch} the Towne did not now determine, but left it wth the Comittee to treat with Bro. Fowler, and to consider of the other part about getting of new stones, & to act herein as they shall see cause for y^e good of the Towne. The Comittee was also desired to take care y^t y^e old Mill bee kept in repaire, least the Towne suffer through y^e neglect of it.

AT A GEN. COURT HELD AT NEWHAVEN THE 26TH OF OCTOBER, 1659.

Hen. Rudderford was admitted Freeman, & tooke y^e Freemans charge.

Ensigne Lindon declared that the Comittee had considered of the busines left with, concerning the hireing or buying of Sargeant Fowlers part of the Mill, or getting new stones; and that y^e issue of their thoughts was, that it was best for the Towne to come to some agreem^t wth Sargeant Fowler, & y^t accordingly Bro. Cowper, Brother Dowlittle & himself was appointed to treat with him, w^{ch} they had done; and that they first desired him to go on as partners, w^{ch} hee refusing they then [295] propounded that he would be at half the charge of repaires, & they engaged that the Towne should doe the rest, & that they would make good 3^l proffit to him betwixt this & May next; but that he also refused; then they propounded that y^e Towne might hire his part for half a yeare or a yeare; but that he would not, vnless they would hire for 7 yeares; afterwards they proceeded to treat about the price of his part, for w^{ch} he demanded 50^l, w^{ch} he would receive of the Treasurer, the one half betwixt this & March next, the other half by that time twelue moneth, or els fall vpon a present division, and that he required 10^l to be allowed him for his part of the house & dam &c, w^{ch} would not be of vse to him to remoue; so that in conclusion it was brought to this issue, y^t either they must give the price of 50^l, or goe on to division vpon the tearmes propounded; w^{ch} being declared & largely debated, it was by the whole Towne determined y^t the Mill should be bought of Sargeant Fowler, which was againe referred to the Comittee.

M^r Wakeman informed that the Comittee intended to go on wth y^e trench for the passage of the water to y^e Towne, and y^t the place (an ouershott mill being intended) he supposed was generally vnderstood; it was desired, if any man had ought to say against it, that they would now declare it, but no man objected, & M^r Tuttle declared that he had nothing against it.

AT A COURT HELD AT NEWHAVEN THE FIRST OF NOUEMBER, 1659.

Samuel Hodgkins being warned to the Court appeared, who was told that he was complained of for stealing of wood, wherevpon Samuel Blacksly declared that in y^e beginning of March last he cut wood for coales at the head of y^e Beaver Pond, & y^t a while since he passing by Sam. Hodgkins gate, he seeing such wood there, he thought it to be his; afterwards, going into y^e woods, he found that his wood was gon, wherevpon he shewed Tho. Kimberly (who did help him to cutt it) the wood at Sam. Hodgkins dore, but he being not at home he spake with his wife about it & enquired of his boy where they had it, to w^{ch} he answered that they had it by the Beav^r Pond; afterward, he meeting with Samuel Hodgkins at y^e Ordinary, he asked him why he fetcht the wood w^{ch} was non of his; to w^{ch} he answered, first that it was forfeited, secondly y^t it was deserted, thirdly y^t it being cutt for coale, it was not now fitt for y^t use. Sam. Blacksly further s^d that James Eaton told him y^t Sam Hodgkins said he cutt y^t wood for Goodman Allen, and he not makeing vse of it, he fetcht it away. To w^{ch} Sam. Hodgkins now in Court answered that when they spake to him about it he told them y^t he cut it not, and that the smaller sort of the wood was rotten & not fit to coale, and being sicke in Septemb^r last, he sent his boy to see if the wood was there, & he findeing it there, he sent for it, for he looked vpon it as forfeited & deserted. As for y^t w^{ch} is reported to be spoken by James Eaton, he denied; [296] but James Eaton being sent for now in Court affirmed that he asking Samuel Hodgkins why he cutt his wood so short, he answered that he cutt it for Goodman Allen, & the wood being now rotten & so not fitt for coaling, he fetcht it away.

Tho. Powell s^d that he asked Sam. Hodgkins where he had y^e wood so short cutt, & he told him that hee cutt it not, but he tooke it as forfeited.

Samuel Hodgkins was asked what law declared it to be forfeited; to w^{ch} he answered that he understood that there was a law y^t if wood lie aboue a moneth it is forfeited; but he was told that their was no such law, and that such wood cutt so short, being so neare the Towne, should be deserted, as he p^rtended, was not probable; y^e Court also declared to him that many other men have lost wood, & other things besides wood, & who should be suspected to be the theife but hee, who is now openly convicted, who hath beene formerly before the Court for facts of this kinde.

The Court haveing heard the p^rsent case referring to Samuel Blacksly, did by way of sentence declare that Sam. Hodgkins shall restore double, viz: 4 load for the 2 load by him taken from Sam. Blacksly, w^{ch} is suddenly to be paid in wood cutt fit for his vse.

John Cowper, in the behalf of M^r Evance, haveing attached 2 barr. of salt belonging to John Tompson, Junio^r, for rent of y^e house in w^{ch} he lives, John Tompson, Seniour, laid claime to one of y^e barr. of salt w^{ch} he said he had bought & paid for, but no deliury being proued, it was by the Court declared to belong to John Tompson, Junior, & therefore legally vnd^r attachm^t; y^e debt being not denied, y^e Court ordered that the charge of the attachm^t. being paid out of the salt, the remainder was condemned to be paid to John Cowper (for y^e vse of M^r Evance) at 4^s a bushell, & the barrells at the price they shall be vallued at by the cowper.

Roger Allen declared that he had received 10^l of John Brackit of the estate of M^r Malbon, of w^{ch} 10^l hee had attached 6^l for a debt dew to himself, w^{ch} he could make prooffe of, w^{ch} 10^l he was allowed to keep in his hand vntill the Court shall give further order about it.

David Tuttle was complained of for not haveing or not exercising armes. M^r Tuttle alleadging his insufficiency for y^t service, he also now promising that he shall attend y^e trainings in y^e Spring, if hee bee fitt for it, & that in y^e meane time he shall be furnished wth sutable armes, y^e Court at p^rsent past it by.

An inventory of the estate of Edward Camp was again presented, amounting to 100^l, 5^s, 3^d, vnto w^{ch} some plow irons &c & other small things to the vallew of 4^s 6^d, as also an old gun, are to be added, w^{ch} was by y^e widdow y^e deceased attested vpon oath to be a full inventory to y^e best of her knowledg.

M^r Auger informed that y^e creditors to y^e s^d estate w^{ch} appeared the last Court, wth such others as they could speake wth (out of their [297] respect to the widdow & her children) had agreed to remitt y^e half of y^e debts due to them, & y^t Ensigne Bryan, in consideration of 50^l w^{ch} he is to be possest off of the s^d estate, had vndertaken to pay euery man the one half that was due to them; the rest of the estate they leave with y^e widdow & her children, vnless that some considerable somme be demanded, more then is yet knowne, w^{ch} may call for further consideration.

The Court attached all y^e estate of Tho. Mulliner in y^e hand of Tho. Johnson, vntill the demands of the Treasurer be satisfied.

Ensigne Bryan declared to the Court that he vnderstands y^t a boat of his, w^{ch} he bought of John Tompson, is claimed by Joseph Alsupp, in y^e behalf of M^{rs} Sheafe of Boston, w^{ch} boat John Tompson bought seuerall moneths since his vessell was engaged to M^{rs} Sheafe, & hath since absolutely sould to him. Joseph Alsupp said that the boat belongs to the vessell, w^{ch} is now M^{rs} Sheafes, w^{thout} w^{ch} boat y^e vessell is not fitt to go to sea, & that it was now in vse with y^e said vessell, & that hee supposed that their was a boat past ouer to M^{rs} Sheafe with y^e barke. To w^{ch} John Tompson answered that there was no boat belonging to the vessell when he engaged it. Joseph Alsupp was told that there is no boat mentioned in y^e writeing to M^{rs} Sheafe. Ensigne Bryan further pleaded that he had bought the boat of John Tompson before the vessell was by sentence of Court M^{rs} Sheafes; w^{ch} to make appeare he desired that M^r Allerton might be heard, who affirmed that he saw an inventory of sundry things sould by John Tompson to M^r Bryan, with a bill of sale referring to the inventory, in w^{ch} there was a boat, & this was before the sentence of Court condemning y^e bark for Joseph Alsupp, Attorney for M^{rs} Sheafe. The Court having heard the grounds of M^r Bryans claime, declared y^e boat to be his.

The Barke lately in y^e possession of John Tompson being by y^e Court of Magistrates in October last sentenced to Joseph Alsupp,

Attorney for M^{rs} Sheafe, of Boston, as it should be prised by M^r Rudderford & Tho. Morris, John 'Tompson haveing liberty to add a third man, it was now declared by Joseph Alsupp y^t they had apprised y^e said vessell at 61^l 10^s in Country pay, w^{ch} being by them reduced to siluer & beavo^r price was 45^l, out of w^{ch} there is to be deducted 44^s dew to Clem^t Dollin* for wages, & 10^s the charges of the sute, vnto w^{ch} y^e charge of apprizeing being added, y^e remainder belongs to Joseph Alsupp, as Attorney for M^{rs} Sheafe of Boston.

AT A GEN. COURT HELD AT NEWHAVEN THE 16TH OF NOUEMBR
1659

The Gouvernour informed that the Meeting was desired by y^e Comittee for the Mill, who being desired, John Cowper declared that they had made some p^rparation to bring John Sackitts brooke through y^e plaines, first by plowing, afterwards by digging, but they found that y^e trench must be digged deeper then they expected, wherevpon they had procured W^m Andrewes & W^m Russell to try it by y^e leuell, [298] and since y^t the Comittee went with them & tryed it a second time; how they found it, they were desired to informe, wherevpon Will. Andrewes declared that their first & second leuelling was much the same, & y^t the issue was y^t, there being a dam of 4 or 5 foot to stopp the water, & a trench 4 foot deep through y^e plaines, they did hope that there would be a convayance for y^e water into the Beavo^r pond.

M^r Tuttle said that he vnderstood that it would then drowne Goodman Foot† & put him out of his dwelling, to w^{ch} John Cowper answered that there would be no feare of y^t, but y^t some of his land would be drowned was probable; he further s^d that though it be conceived that we shall not digg aboue 4 foote deep, yet he feared that the foundering in of the banks would be both troublesom & chargable. He also informed y^t he conceives that there is a place lower, where a dam may be made, where the trench will be much easier. The matter was largely debated, & in y^e debate some appearing discouraged, the

* Or Dolling.

† Robert Foote, subsequently of Wallingford.

worke at the Plaines was left to be further considered, & it was also by vote determined that y^e old Mill shall be repaired, & that the trench through to the quarters shall be forthwith made to y^e place intended for a Mill, that a triall may be made this winter, both how y^e Beav^r Pond will rise, & how y^e water will run to the place afores^d, that we may y^e better see o^r way, how to act in this businesse.

AT A COURT HELD AT NEWHAVEN THE 6TH OF DECEMBER, 1659.

Richard Sperry, haveing contrary to Order received Samuel Boston into his family, came voluntarily to make his appollogie to the Court, & declared y^t almost a yeare since he hired the s^d Samuel Boston to help him about pipe staves, but in y^e Spring he wanting seed corne, he let him some land, but he did not consider the law, as he should have done. The law was read, & he was told that he had broken it, & thereby fell vnder the penalty of it, & y^t it would be expected that he free the Towne of any charge y^t may come by him, & y^t it concern'd him to free the Towne of him before the yeare be expired. Rich. Sperry s^d that he was a man of good carriage & that noe damage had come to the Towne by him. He also propounded that Samu^{el} Boston might be allowed to live wth Widdow Camp, to help her in her occasions, shee having desired him; to w^{ch} it was answered that the Court first desired further knowledg of him, before they give leave for his stay; and to y^t end, hee might, if he saw cause, bring him to y^e Gouverno^r y^t he may speake with him, w^{ch} being done he shall within a fortnight know the minde of the Court in y^e matter. In the meane time, they leave the busines vpon Richard Sperry concerning his disorderly entertaining of Samu^{el} Boston, w^{ch} he is to answeare when he shall be called therevnto by y^e Court.

M^r Tho. Yale p^rsented a deed bearing date _____, sealed & subscribed by Theophilus Eaton of Dublin, Esq^r, & M^{rs} Hannah Eaton, late of Newhaven, whereby it appeared that they did alienate for ever vnto the afores^d M^r Yale the farme [299] with all the appurtenances thereof lately belonging to Theophilus Eaton Esq^r, deceased, lying nere to the River in y^e way to Conecticot. M^r Gilbert & M^r Wakeman testified y^t M^r Valen-

tine Hill of Piscattaway, merchant, had declared that he did relinquish any claime to the said farme.*

Deacon Miles & Gervase Boykin, intrusted by y^e Court of Magistrates in the behalf of the Credito^{rs} to the estate of M^r Allerton, declared that they had assigned John Little to serve out the time remaining of his indenture wth Rich. Hull, vnto w^{ch} John Little now declared his consent, and the s^d Richard Hull now engaged to pay him 10 bushell of Indian corne or the vallew of it & a hachet & a how at the end of his time, & then to furnish him wth cloathes fit for a servant.

The last will & testament of William Davis, late of New haven, deceased, was p^rsented, and M^r Wakeman & Elnor Glouer vpon oath declared that it was the last will of W^m Davis, to y^e best of their knowledg, & that he then had the vse of his vnderstanding in a competent measure.

Also, an inventory of the estate of W^m Davis was p^rsented, taken the 21. of October, 1659, amounting to 308^l, 0^s, 0^d; ye widdow of the deceased testified vpon oath that w^{thin} 40^s vnder or ouer it was a full inventory to the best of her knowledg: M^r Wakeman & James Bishopp vpon oath testified that the apprizment was iust, according to their best light:

M^r Wakeman p^rsented an inventory of the estate of John Walker, late of Newhaven, deceased, amounting to 19^l, 11^s, 9^d, attested vpon oath by M^r Wakeman to be a full inventory, to the best of his knowledg. Tho. Kimberly & Henry Glouer vpon oath testified that the apprisem^t was iust, according to their best light; onely concerning the sheep at Guilford they depose not. M^r Wakeman was desired to take care of the estate afores^d, vntill he shall heare out of England from the father of the deceased, or vntill y^e Court shall give further order concerning it.

An acc^o of a stray cow y^t was killed by W^m Gibbins was p^rsented, out of w^{ch} the Towne is to receive—by his acc^o but 12^s 3^d, but the bill of charges for wintering, &c., being high, it was determined 15^s.

Henry Humerston was called to give his answe^r for killing a stray cow without order from authority, but he alleading y^t

* The surviving children of the late Governor Eaton were his son Theophilus, of Dublin; Mary, wife of Valentine Hill; and Hannah, who married William Jones in London in 1659.

John Cowper could speake something to the cleareing of the case, at his desire it was respitted till the next Court.

The Court vnderstanding that y^e question concerning Mistris Goodyeaes thirds was not issued by M^r Wakeman, M^r Auger & John Cowper, who were the^{vnto} authorised by y^e Court of Magistrates in the behalf of the credito^rs, y^e Court ordered that if the busines be not issued betwixt themselues this weeke, that Sam. Whitehead, Abraham Dowlittle, & James Bishopp shall sometime before the first of January next sett out according to the law the thirds dew to M^{rs} Goodyeaere.

Whereas in Nouember last an attachm^t was laid vpon y^e estate of Tho. Mulliner in y^e hand of Tho. Johnson, he now tendered a ewe & lamb in part of the s^d debt, y^e price of w^{ch} ewe & lamb was left to be issued wth Tho. Johnson by M^r Wakeman & y^e p^rsent Treasurer.

[300] AT A COURT HELD AT NEWHAVEN YE 3D OF JANUARY, 1659

John Won being warned to the Court, the Gouvernour told him that he vnderstood that he had without leave received a sojourner into his house, & had thereby broke the law, w^{ch} being read John Won s^d that he knew not the law; he was told that the law was printed, w^{ch} although he could not read himself, yet it had beene his duty to have vsed meanes to have informed himself, w^{ch} he now promising to doe, & that hee would conforme to the Lawes for y^e time to come, the offence for w^{ch} he was warned to the Court (it being y^e first time) was past by.

Francis Harvy, a Frenchman, vpon summons appearing was told that he was to give answere concerning a treaty of marriage wth a maid, carried on as its vnderstood & as they have both confest, to the engaging themselues one to another, & y^t without consent of parents or gouerno^{rs}, contrary to a Law here published, w^{ch} was read, & they both were told that they had directly broke y^e law.

To w^{ch} he answered that there was no such Law in y^e places where he hath beene, nor did he know that there was any such law here; he was told that y^t excuses him not, & y^t he must

(if he live heare) acquaint himself with y^e Lawes established, & submitt to them.

Ann Small was asked what she said to it that having hired herself a servant for a yeare, she should within a moneth enter a treaty of marriage wth a man, without consent of parents or m^r, contrary to the Law. An Small pleaded that she was both ignorant of the Law & the breach of it, & that shee intended to serve out her time wth her Master: but M^r Yale, her m^r said that she had wthin a short time after shee came to him, moued to be free; to w^{ch} it was said y^t y^t was the fruit of such treaties, y^t having gott a sute of cloathes of her m^r, by & by she would be gone from him & engage herself to a man, without the consent of her mother, who she confest was liveing, for ought shee knew, to whom it would be a great greif to heare of her irregular proceedings.

M^r Yale informed that the carriage of Ann Small was very burthensome to them, not only in respect of that particuler before spoken of, but also as she was a notorious liar, & vnfaithfull, concerning w^{ch} he declared that there lodging a woman of Conecticote at his house, shee left a scarfe behinde her, w^{ch} sometime after was enquired for by John Benham; to which Ann Small p^rsently answered that there was non left there; but vpon that occasion he asked his maid where she had y^e scarfe w^{ch} shee wore; to w^{ch} she answered that shee had it when shee lived with her master Tompson but shee did not were it because shee thought it would be a trouble to her dame & that she left it with Goodwife Mallery, who since sent it to her by John Wakefeilds daughter; wherevpon he enquired of Goodwife Wakefeild & Goodwife Mallery, but they knew nothing of it; at w^{ch} time Goodwife Mallery growing suspitious of Ann Small, asked him if he brought any childrens gloues out of England; he told her, yea; she told him that his maid had given her a paire of childrens gloues, w^{ch} gloues vpon enquiry at home he found y^t she had stolne from him; besides which other things are gon, but how he knowes not.

[301] Ann Small was asked if this that was spoken by her m^r was true; shee s^d yea; shee was told that she had y^e more cause to be ashamed; shee was asked what els shee had taken from her m^r, being other things are wanting; she said that shee had nothing els but y^e gloues.

Francis Harvy was told that he hath broken y^e law by his irregular proceeding in this treaty of marriage wth Ann Small, & that thereby he falls vnder the fine of 40^s, that must be forth-with paid, & that y^e Court had little encouragm^t to give liberty for him to settle here.

Ann Small was also reprov'd for her impudency & insensibility vnder such miscarriages, & sentenced to pay 10^s as a fine for her lying; as for her stealing the scarfe, shee is to pay 2^s, & 12^d for the gloues; for her other miscarriages, it was declared that she deserves corporall punishm^t, w^{ch} the Court will take their time to consider of, w^{ch} shee must expect vnles her better carriage p^ruent it.

M^r Yale desired that he might be freed of Ann Small, who hath carried it so vnsatisfyingly in his family; but no place being propounded to the satisfaction of the Court, she was left wth M^r Yale vntill further order.

Widdow Wilmott passeth ouer for ever vnto her sonne James Heaton 5 acres & half of meadow on y^e Island, & her whole proportion of vpland in the Neck.

John Lambert, servant to M^r Kitchell, being warned to y^e Court appeared, against whom his m^r declared by way of complaint that y^e said Jo. Lambert had been very execising to him sundry wayes, especially by his lying, of w^{ch} he said he could give many instances, but spake onely of two: first, y^t about September last he being sent to looke an ox on the West side, when he came home he reported that hee seeing a beare climeing vp a tree, hee shott her that shee could not goe; soone after there came some men of Milford, & they together killed her, & y^t he sould his part for 2 bushell of wheat, to be paid when his time is out, or sooner if he desired it; w^{ch} he hearing off, he enquired of John about it, & he told him y^t they kild a beare, but he sould it not, but had onely his powther & shott againe; afterwards Joseph Pecke told him that Jo. was growne a great hunter, he heard that hee wth some of Milford had kild a beare, & y^t he sould his part for 2 bushell of wheat, but Joseph Peck enquireing of those men of Milford, they s^d they saw him not, nor knew him not. M^r Kitchell said that he spake wth John againe about it, & he then said that they kild a beare & that he sould his part for 7^s in wampom; but he speaking with him

further about it, he then confest that all that he had spoken about the beare was falce, wherevpon he endeavoured to convince him of his sin, & he spake as if he were sorry for it, & as if he desired to give satisfaction, which he waited to see the fruit of. But not long after, he fell into the same againe; they going downe to y^e water side to fech vp some goods from a vessell, Jer. Osburne was there before them, taking out corne, at w^{ch} time John Lambert did help him to carry some sacks, w^{ch} he disliked not, for it was a furtherance to him, being they could not come both to the vessell together; but since that time John Lambert hath reported that he was vnwilling y^t [302] he should help Jer. Osburne, & y^t Jer. Osburne should say y^t he was not fitt to liue in a Commonwealth. John Lambert being asked confessed that both the passages were soe as his m^r had related. He was told that he had cause to be the more affected, for his sin was greatly aggravated, to go on in such a notorious way of lying, wthout provocation telling such strange stories, as if he would put people in a muse,* & that when his m^r was laboureing to bring him to repentance for y^e former, y^t he should fall into the like a second time & that in a mallicious way against his master.

John Lambert said that he had considered it & desired to see his sinne & to be humbled vnder it & y^t God would give him help against it; he confessed that he was iustly brought to y^e Court, & y^t if hys m^r & y^e Court shall shew him favour, it was more then he deserved. He was told that he hath sinned against cleare light & many good instructions from his m^r, m^r Hooke, & those y^t he hath dwelt with since, & that he seemes to be hardened against light, w^{ch} is a heavy judgm^t of God vpon him. For these miscarriages of John Lambert, so greatly aggravated, by way of sentence it was declared that he shall be corporally punished by whipping.

Will. Fowler doth alienate for euer vnto the towne of Newhaven his part & all his interest in the Mills at Newhaven.

An inventory of the estate of John Vinson, late of Newhaven, deceased, taken the 10th of Nouember, 1659, amounting to 9^l, 12^s, 4^d, was p^rsented. Rebeckah, the widdow of the deceased, witnessed vpon oath that it was a full inventory (to the vallew of

* Set people wondering.

10^s) to the best of her knowledg. Hen. Lindon & Samuel Whitehead attested vpon oath to y^e vallew of the apprisem^t, to the best of their light. The whole estate was left with the widdow, vntill the Court give further *Order*.

The will & testam^t of John Parmely, late of Newhaven, deceased, was p^rsented, witnessed by Deacon Lindon & Deacon Peck, & by them attested vpon oath to be the last will & testam^t of the deceased, according to their best knowledg.

Also, an inventory of the estate of John Parmely was p^rsented, amounting to 78^l 13^s, 0^d, w^{ch} (by the widdow of the deceased) was attested vpon oath to be & containe a full inventory of y^e estate of her husband, to the vallew of 10^s, to the best of her knowledg. Deacon Peck & Roger Allen vpon oath testified that the apprisem^t was iust, according to their best light.

M^r Tho. Yale p^rsented a letter of Attorney, sealed & subscribed by Theophilus Eaton, of Dublin, Esq^r, & M^{rs} Hannah Eaton, late of Newhaven, whereby he was authorised to take, seize vpon, & to posses himself, in their names & to their vse, of all & singular y^e goods, chattells, debts, creditts, as well reall as personall, to them belonging, lately appertaining to their said father & mother, in New England, w^{ch} the Court approued.

[303] M^r Hudson acknowledged that he had received of M^r Goodenhouse the full portion due to Abigaile his wife out of the estate of her deceased father, Captaine Turner.

M^r Goodenhouse acknowledged that he had received of M^r Hudson, of the estate of M^r Westerhouse, 19^l, 11^s, 7^d, who did now engage the house in w^{ch} he now dwelleth, wth the home lott, as security to be responsible to the Court, for the vse of such as shall hereafter be found credito^rs to that estate.

Timothy Ford passes ouer for ever (as now by a note vnder his hand did appeare) the home lott given him by the Towne, wth house vpon it, with 8 or 9 acres of land on the West side, & one acre & 16 rod in the Necke, vnto Isaac Whitehead.

Isaac Whitehead passes ouer for ever vnto Widdow Vinson the same in all the particulers w^{ch} was past ouer to him by Timothy Ford, as is aboue exprest.

Hen. Hummerston appeared to give answeare concerning a stray beast by him irregularly killed, but he being not p^rpared

to cleare some materiall passages about the said stray, it was respitted till the next Court.

M^r Hudson hath still in his hand of the estate of M^r Westerhouse for the vse of the credito^rs 10^l, 8^s, 5^d, w^{ch} he is to keep in his hand vntill further Order. It was declared that his house formerly engaged to the Court in refference to y^t estate is now sett free, & y^t for the 10^l, 8^s, 5^d, no recompence by way of interest shall be required of him henceforward.

AT A GEN. COURT HELD AT NEWHAVEN THE 19 OF JANUARY 1659.

The Gouverno^r declared that the principall occasion of the meeting was to consider of some repaires judged necessary to be done to the Meetinghouse, w^{ch} had been sundry times viewed by workemen formerly, & accordingly had been repaired: now of late vpon a report that some of the shores were rotten, the workemen tooke a vei^w of it, & there advice was to set vp new shores, wth some braces, &c, within; but since that it was againe vei^wed, & there advice now is that, besides the renewing of the shores, y^t for the easing of the house of the great burden y^t lyeth vpon it, that the Turrit & part of the Towre be taken downe, w^{ch} he referred to the men that vei^wed to informe more particularly, wherevpon—

Will. Andrewes declared that Tho. Munson, Tho. Morris, Gervase Boykin, & himself, had (as the Gouverno^r had exprest) taken a vei^w of the house twice & the result of their thoughts is that it is the best & safest way, as to sett vp new shores, also y^t y^e turrit & towre to the bottom of the window be taken downe, and some new timbers be added, the particulers whereof were many. Tho. Munson, Gervase Boykin, & Tho. Morris declared that W^m Andrewes had exprest all their mindes.

[304] The Towne desireing to know the charge of the worke might be, W^m Andrewes declared y^t he conceived it might be about 70^l, & this charge being laid out the house might last 7 yeares. It being once & againe desired that the other three workemen would particularly express their thoughts in this matter, Sargeant Munson declared that they had desired Sargeant

Andrewes to express their mindes, wth whom he doth agree & would willingly beare his part of the charge to the worke propounded; but if it were desired that he should express his owne thoughts, for to say that it will be dangerous for some time if the turret & towre be not taken downe, he sees not.

Sargeant Boykin said that he doth consent to what Sargeant Andrewes hath exprest, y^t it would be more secure if y^e turret & towre were taken downe, but for his owne part he conceived that if it were well shored & some new timbers were put in where there is need, that the Towne might meet in it wthout danger a yeare or two.

Bro. Morris said, if it could be all done w^{ch} is spoken of, it would be a ease to the house, but he conceived that if it were well shored without, & some braces & other timbers added within, where there is need, he saw not but it might be safe for 2 or 3 yeares.

The workemen haveing thus particulerly exprest their thoughts in the case, there appeared in the Towne different app^rhensions & inclinations concerning this businesse.

M^r Tuttle desired that the takeing downe the turret & towre might be forborne, & that the shores might be renewed, & the plates lined where they were weake.

Tho. Meekes, declared that he had rather give his part of 100^l, that the whole might be vpheld, then the charge spoken off, & y^e tower & turret taken downe.

Others declared, although they saw o^r p^rsent vnfitnes for disbursem^{ts}, haveing other workes (y^t will proue chargable) now vnder hand, yet it being a thing wherein the safety of y^e whole Towne was concerned, they thought they were called not to withhold their hands from this worke, y^t both y^e danger & distraction w^{ch} els may come vpon vs may be prevented.

Others propounded that y^e shores might be renewed, & the turrit might be taken downe, & the towre remaine as it is.

The debate proueing difficult, to bring the busines to a satisfying issue, it was propounded whethe the Towne would now issue it, or take further time to consider it, & it was by vote now determined to be issued, & in y^e conclusion reduced to three heads, viz: I, Whether they would only renew y^e shores, wth y^t addition of braces, &c; or, secondly, whether they would renew

the shores & take downe y^e turrit only; or, thirdly, whether they would take downe the turrit & towre, & set vp new shores; & vpon the questions propounded it was by the vote of the whole Towne determined that, besides the renewing of the shores, that both turrit & towre shall be taken downe. The care of w^{ch} busines is comitted to y^e Townsmen, M^r Tuttle & Sargeant Jefferies & Christopher Todd, who are to treat & agree with such workmen as they shall think meet, at such a rate as they conceive the worke may deserve, w^{ch} is to be done in the first fitt season.

[305] The Townsmen were authorised to give liberty to any of the planters (w^{ch} want land & shall repaire to them the first second day of February) to fence in & improue for the raising of corne some part of the ox pasture or cow pasture in some fit place, w^{ch} is to be fenced wth post & railes, w^{ch} fence they shall leave to the Towne at the end of their tearme, w^{ch} shall not exceed 7 yeares.

It is Ordered that some of the great gunns shall be fitted for service; the manner how it shall be done, how many, & which, was refferred to the Townsmen & millitary officers, they takeing in the advice of the Gouverno^r & Magistrate & whom els they shall thinke meet.

Brother Jackson being lowe in his estate, at his desire was freed from coming to Town meetings, vntill further Order; his eyesight being defective, he was freed from training vntill he be againe called therevnto.

Brother Andrewes propounded in the behalf of some young men for liberty to build a Gallery, at their owne charge; the names of w^{ch} young men he was desired to bring in to the particuler Court & Townsmen, who were authorised to give liberty for the building of a gallery, whose order they are to attend, for the place where, the manner how, & the tearmes vpon w^{ch} it shall be done.

M^r Auger declared that (it haveing pleased God to visit y^e Towne sorely by sicknes the two last yeares) his stocke of phisicke is gone, & how to procure more out of his returnes he saw not, being disabled by the non paym^t of some & y^e vnsutable paym^t of others to get supplies; those y^t were M^r

Augers debto^{rs} were called vpon to attend their duty; it was also declared that if M^r Auger see cause to bring any of them to the Court, it will be witnessed against as a wrong to y^e publike y^t a phisician should be discouraged.

It was desired of the Townsmen to consider seriously of some more convenient place for the buriall of the dead then y^t w^{ch} now is, w^{ch} is conceived to be prejudiciall to o^r health, & to make returne the next meeting of the Towne.

AT A COURT HELD AT NEWHAVEN THE 7TH OF FEBR. 1659

John Browne being warned was called & appeared, who was told that he was to give his answer for the sinne of drunkenesse w^{ch} he lately fell into, & that it was hoped that he saw his sinne in some measure, as he had signified by a Bill he p^rsented to the Church, who had liberty now to declare to the Court, wherevpon Jo. Browne confessed that he going aboard the shipp, he there drunke too much, w^{ch} he was sorry for & desired that he might be humbled for it in the sight of God & his people. He was told that his sinne was greatly aggravated, that he should so miscarry [306] who had alwayes lived vnder a precious ministry & in his fathers family where he had many good instructions from his godly parents,* & if hee were indeed humbled for his sin it was well, but he had given ground to doubt of it, it being observed that while his fath^r was acknowledging his evill, that he had not wached ouer him as he should, that he then went out of the Meeting house smileing. To w^{ch} Jo. Browne answered that he was very cold & not well; therefore he went home, but that he smiled he knew not; w^{ch} answere satisfied not. He was further told that it was also observed y^t he hath gon away before the Ordinances were ended, & when he was out of the Meetinghouse, he fell in with y^e seamen, saying, Come, shall we goe smoke it; he confessed that he went away sometimes before the Ordinances were ended, but withall said that his father gave him Order to goe home when its late to serve the cattell; but y^t he said to the seamen, shall wee smoke it, he knowes not. Leiftenn^t Nash told him y^t it was also reported

* Francis and Mary (Edwards) Browne.

that when Brother Cowper, in the trouble of his conscience, was confessing his euill, w^{ch} was farr inferiour to his, he clapt a seman on the shoulder, w^{ch} the man seemed to be troubled at; John Browne said it was true he layd his hand on his shoulder, but that hee clapped him on his shoudler, he confessed not, but was told that these are carriages of a prophaine scorne. He was wished to consider y^t speech of Solomon, a foolish sonne is a greife to his father & a heavynes to his mother, w^{ch} he was no doubt to his parents, & that he that is often reprov'd & hardeneth his necke shall suddenly be destroyed, & that wthout remedy. After w^{ch} y^e Court by way of sentence declared that for this miscarriage, meerly as an act of drunkenesse, Jo. Browne shall pay 10^s; but as for the other part, viz. his disturbing the peace & these other prophaine carriages before mentioned, it was left wth him to consider off, concerning w^{ch} he is to give his answer y^e next Court.

The Gouverno^r declared that Brother Cowper should have beene warned also to the Court, but as hee p^ruented* y^e Church by holding out his repentance to good satisfaction, for excessive drinkeing, so hee hath also p^ruented* the Court by tendering his fine, such as the law requires in his case, w^{ch} he leaves to y^e Court; w^{ch} being considered was not found to be downright drunkenesse, according to the description given of it in the Law, but excessive drinking, for w^{ch} he was fined 5^s.

Jo. Lambert came before the Court & confessed his sinne of lyeing, for w^{ch} he was sentenced to be punished by whipping the last Court, & professed that he was sorry for the wrong he had done to his master & others by y^t way of lyeing w^{ch} he had gone on in, a longe time, w^{ch} he did out of a malicious frame of spirit against his master; he confessed that he deserved no favour, yet desired favour from the Court. He was desired to deale cinserely in the case, & to see to it that this acknowledgm^t proceeded not from feare of punishm^t but from inward conviction of y^e greatnes of the euill he stood guilty off, w^{ch} if it did not he would returne to the same againe; he was also told that the Court did take notice of his acknowledgm^t, & that it was so farr accepted y^t y^e Court would wait one moneth more to see how God would carry on the worke of repentance in him

* Anticipated.

& what testimony from his [307] master & others shall come in of his better carriage the next Court, at w^{ch} time he shall know y^e Courts pleasure concerning him.

W^m Holt declared against Samuel Marsh & said that his boy being at the Mill to gett his corne ground, when his turne was come to have his corne ground, (as y^e Milner sayes) he put some corne into the hopper, but Sam. Marsh tooke out his bagg & threw it downe & struck his boy & kick't him down part of the staires; vnto w^{ch} Sam Marsh answered that he was sorry & ashamed for what he had done, though he looked vpon it as his right, & the milner who sate by the fire said nothing to the contrary, & his turne was y^e day before, & so before his, w^{ch} he still apprehendeth to be soe, & y^t the boy was peremtory, & though hee argued the case wth him, yet he could not p^ruaile, & thereby he was forced to strike him, & when the boy was coming vp the staires, he sett his foot against his bagg, but kick him he did not; he further said that Brother Munson did at y^t time wish him to consider of what he had done, to whom he answered that the boy did him wrong, w^{ch} he related in the particulers, after w^{ch} he remembers not that Bro. Munson s^d any more, so that he thought he was pretty well satisfied, yet he afterwards feared that he had not done well, but expected if the boyes parents were vnsatisfied, that he should heare of it; after this he was at the Mill, but neither y^e Milner nor Brother Munson whom he saw there, nor Sister Holt whom he saw on the Sabbath after, spake anything to him of it; but almost a fortnight after, Bro. Munson sent & by writeing informed him that the matter was publike, & advised him to speake wth Goodman Holt about it, w^{ch} he thought to doe, but was prevented by his complaint to the Gouverno^r, before whom y^e matt^r was debated, at w^{ch} time he did not see his fault as since he hath done, & he now confessed that he did not well to strike the boy (though he deserved it,) w^{ch} belonged to his parents or Gouverno^rs to doe, when they doe that w^{ch} is evill; and that he did not put the Milner to decide y^e controwrsy betwixt them, whose place it was & that he spake that vnadvised word, that he would knock him downe, and for his stiffnes & peruersnes, not submitting to the Milner when he said the boyes corne should first be ground, for all w^{ch} he now professed that he was sorry for & ashamed off, and

that he lett the offence lie so longe & not apply himself to their satisfaction whom he hath offended.

The Gouverno^r declared that he was glad that he hath taken the matter into consideration further then formerly he seemed to doe, w^{ch} was his duty to have done at first when Sargeant Munson had left it with him to consider off, who had waited about a fortnight to see the fruit of it, w^{ch} he neglected till complaint was made, though it were a sin against y^e light of nature. The law concerning the breakeing of the peace was read, after w^{ch} the Court declared that Samuells Marsh in strieking Nathaniell Holt hath broken the peace, but being Samuel [308] Marsh hath acknowledged his fault herein, it is Ordered that hee shall pay as a fine to the publique for breakeing y^e peace 10^s, and that he pay to William Holt for the wrong done to his sonne 5^s, & shall moreouer satisfy him for time spent in y^e prosecution of this businesse, wth the charges of the Court.

John Tompson Junio^r was called to shew by what right he holds Samuel Hichcock to be his servant. John Tompson confessed y^t he had no indenture, but withall affirmed that it was agreed betwixt his father & himself y^t Samuel Hichcock should serve him 7 yeares as an apprentice, & y^t he was to teach him to write, & read, & arethmetick, & y^t he was to goe to sea, & he to learne him to doe his laboure at sea, & y^t when he had been with him 3 yeares, he should have liberty of a barrell freight without charge, w^{ch} agreem^t (he s^d) M^r Bower & his wife could witnesse to; vpon w^{ch} M^r Bower testified y^t about 3 yeares agoe Edward Hichcock & John Tompson came to his house, & desired him to heare the tearms of agreem^t betwixt them concerning Samuel Hichcock, the particulers whereof (being long since) he s^d he could not distinctly relate, but to his remembrance it was to this purpose, that Samuel Hichcock should serve John Tompson 7 yeares, & y^t he was to teach him to read & write & the practicall part of Navigation, & that when he had served him 3 or 4 years, that he had liberty of freight without charge to the vallew of a barrell in all voyages, & y^t Edward Hichcock was to allow 40^s to put him into clothes, & his m^r to finde him clothes the whole time.

Samuel Hichcock said that his father (when he was sicke) said that he was glad he had so good a service, & that if he died he was to stay 7 yeares.

The Court told John Tompson that y^e relation is imperfect, & how far it will proue an agreem^t the Court will consider. He was asked how he could euidence it that y^e conditions spoken of should be performed; John Tompson said y^t he could read pretty well, & y^t he was now learning to write; he was asked w^t he said to that other part his witnes sayes, that he was to learne him y^e practicall part of Navigation; to w^{ch} he said that he told his father that he would not vndertake to teach him y^e art of Navigation, but onely to doe his laboure at sea, & to coast, & rigg a vessell, w^{ch} M^r Bowers now said he remembers not; after w^{ch} y^e Court declared that no writeing is shewed nor any agreement proued of any agreem^t betwixt them, but he must expect that he being vpon a voyage for England, y^t the Court be satisfied that the conditions of the agreem^t, if it be taken for an agreem^t (concerning his writeing, reading, arethmetick, & sea affaires) be in a probable way to be fulfilled, concerning w^{ch} he is to give an account the next Court.

M^r Hudson, as Attorney for M^r Peter Oliver of Boston, desired y^t John Tompson would make paym^t or give security for 5^l dew to the s^d M^r Peter Oliuer, & 14^s to Captaine Oliuer, for a barrell of tarr; John Tompson acknowledged that he was [309] debto^r to M^r Oliver 5^l to be paid in May next; which motion of M^r Hudsons (John Tompson being vpon a voyage for England) y^e Court approued as iust, & left it wth John Tompson to satisfy M^r Hudsons motion betwixt this & y^e next Court, w^{ch} if he doe not, further Order shal be given in the case.

Francis Harvy & Ann Small, who were both fined the last Court, their fines were both demanded; they were told that y^e Court approued not their going on in that league w^{ch} had been witnessed against; Francis was warned to remoue out of the Towne this Spring; he said he was sorry for what he had done, & desired that he might stay in the Towne till the end of Summer, w^{ch} the Court granted not; Ann Small was told that the Court heard of her ill carriage at Sister Mitchell's; neuertheles they would wait a moneth longer (before they declare further concerning her) to see if they might heare of a reformation in her.

John Downe desired liberty to proceed vpon an agreement wth James Eaton concerning part of the farme w^{ch} he bought of M^r Mulliner, w^{ch} he hath hired of him. The Court told him they

could not encourage farmes at this season, but seeing hee was their settled vnknowne to the Court, as they did not approue of it, so neither would they put a stopp to him at this time.

Henry Hummerston againe appeared to give answeare concerning the stray beast, for w^{ch} he was questioned the last Court, who now pleaded y^t he had desired Goodman Cowper to cry her at Newhaven & to take Order y^t it might be done also in y^e neighbour plantations according to Order, though he now remembers it not, & that the cow did were a with at least a yeare,* & was prised by W^m Potter & James Clarke at 4^l when taken vp, w^{ch} now did soe appeare, & that he desired Lawrence Ward to enquire if any wth them or at Guilford did want such a beast, who after told him that he heard of non such wanting; he also told sundry of Newhaven & Milford that he had such a stray; by all w^{ch} (as also by other testimonies) it appeared that he carryed it openly, & not wth intent to deceive, though the Order of Court in some particulers had not beene attended by him, for w^{ch} he was blamed; wherevpon it was Ordered that 40^s beeing allowed for keeping the said stray, y^e remander of her vallue, w^{ch} appeared to be 2^l, 1^s, 3^d, Henry Hummerston shall pay to y^e Treasure^r for his miscarriage in this matter, & he to be responsible to any iust claime that shall be made before the last of October, 1661; w^{ch} stray cow was about 3 yeare old, for couler black, wth 2 or 3 white spotts in her face, as was testified by W^m Potter & James Clarke, y^e eare marke they rembred not, but Hen. Humerston s^d that to the best of his remembrance she was cropt on the neare eare.

AT A GENERAL COURT HELD AT NEWHAVEN, FEBR. 20, 1659.

The Order made by the Court of Magistrates Febr. 18th concerning Captaine John Penny was read.†

John Benham Senio^r was chosen Cryer.

* See the law concerning Strays, in N. H. Colonial Records, ii, 609.

† See N. H. Colonial Records, ii, 327-47. Captain Penny, in command of the English ship Roebuck, had seized illegally a vessel of the Mr. Raymond mentioned below (p. 442).

Liberty was given to any y^t would to fetch away for their owne vse the Ox pasture fence.

The Treasurer informing of the great charge the Towne is att for killing of foxes, it was by vote determined that nothing shall be paid vpon that account vntill further Order.

[310] The Gouverno^r informed that the Audito^{rs} had mett sundry times & taken much paines about the accounts, & they finde this to be y^e issue, that the Towne is in debt about 120^l, & that there are debts dew to the Towne amounting to about 60^l, w^{ch} is like to be recouered, besides other debts w^{ch} seeme desperate. To the end that righteousness may be attended towards the Jurisdiction & others, it was Ordered that a rate shal be paid, sometime in March next, in such pay & at such prises as is Ordered by y^e Jurisdiction Generall Court in May last.

Brother Boykin desired that all debts dew to the Towne for rent of lands or otherwise might be recouered.

A proposition was made that the Townsmen might be chosen sometime in Aprill yearly, & that they (& not the old Townsmen as formerly) might make vp the rates for the yeare ensuing; but vpon that occasion sundry other questions, referring to the same matter, falling in, it was desired that the Gouverno^r would draw vp an Order, w^{ch} may take in the compasse of the things propounded, w^{ch} the Towne may consider of & confirme at their next meeting as they shall see cause.

The businesse of the new Mill worke was propounded to bee spoken to, but little was spoken to it & nothing ordered about it.

Some questions also w^{ch} had past betwixt the Comittee for the meetinghouse & Bro. Andrewes was spoken off & debated, but nothing altered from the former vote, January 19th (59).

It was desired that euery man would sometime this weeke repaire to James Bishopp to make vp their accounts concerning the rates granted for the carrying on the Mill worke.

The Audito^{rs} were desired to draw vp a note of the old debts dew to Towne, & the Marshall was Ordered first to demand them, & vpon nonpaym^t to take distresse vpon such as are faulty herein.

Brother Boykin & Brother Cowper were desired to assist y^e Farmers in makeing a bridg ouer y^e Stony Riuer, which was Ordered to be made June 23, 1659.

The Gouverno^r desired that it might be considered whether a village might not be settled neare the Black Rock,* and something thought off there for o^r defence; for y^e furtherance of w^{ch} businesse Brother Andrewes & Bro. Munson were desired to treat wth the Indians about the exchange of some land, who are to make their returne to the Gouverno^r, who with y^e rest of the Court are desired how it may be carried on, in y^e best way to y^e end propounded.

The Gouverno^r declared y^t M^r Crane had desired that the bounds might be sett out betwixt Newhaven & Brandford, but y^e business haveing beene formerly referred to a Committee who acted in it, it was appointed that y^e Secretary should write to M^r Crane desireing him to produce the [311] issue of that arbitration, & what shal be further found necessary the Towne will (if there be cause) appoint a Comittee to consider off.

It was desired that the Comittee formerly appointed for the settling of the bounds betwixt Newhaven & Milford would returne an account of what was then done, that it may be recorded.

AT A COURT HELD AT NEWHAVEN THE 6TH OF MARCH, 1659(60)

The last will & testament of Tho. Mitchell, late of Newhaven, deceased, was p^rsented & attested vpon oath by Will^m Russell, Hen. Glouer, & William Gibbard, to be his last will to the best of their knowledg, & that he had his vnderstanding in a competent measure when he declared his minde therein, w^{ch} will was approved.

An inventory of the estate of Tho. Mitchell was also p^rsented, amounting to 128^l, 01^s, 2^d, attested vpon oath by y^e widdow of the deceased to containe the whole estate of her husband to the vallew of 10^s to the best of her knowledg, & by Henry Glouer & William Russell concerning the vallew. The widdow was alowed to possesse that part of the estate belonging to herself & her daughter, but not to dispose thereof vntill further Order. Besides y^e some of 128^l, 01^s, 2^d, there is a debt from M^r Good-yeares estate, 2^l, 5^s, 0^d, & in y^e iron worke 6^l, 3^s, 0^d, & 300 of poles in y^e woods.

* On the East Haven shore.

M^r Auger, M^r Wakeman, & John Cowper, Comissioners intrusted by the Court of Magistrates in behalf of y^e credito^{rs} to y^e estate of M^r Goodyear, did alienate for euer vnto Tho. Munson, Francis Browne, W^m Russell, Tho. Morris, & John Hall, y^e whole accomodations, wth commonage, w^{ch} remains vnsould, belonging to the lott called M^r Hickcox.

The afores^d Comissioners in trust did in behalf of y^e afores^d Credito^{rs} alienate for euer vnto Hen. Lindon the whole accomodations both vpland & meadow & commonage (which remains vnsould) belonging to the lott called M^r Hawkins.

M^r Raymond* being called was told that its comonly reported that he was drunke aboard y^e shipp, w^{ch} y^e Court was sorry to heare of, & ashamed that a man standing in relation to a church as he doth should be found to stand guilty of such a fact; concerning w^{ch} liberty being granted he declared that hee desired to bless God for the faithfulness of the Court, & said that he was ashamed that he should be called before them as an euill dooer, & that it was iust with God it should be so, being he had not glorified God by well doing, & confessed y^t he was exceedingly distempered, but withall alleadged & desired that it might be considered that he was very cold at that time, & his head weake, & haveing seuerall sorts of liquors was ouercome by it; he said he desired to bee humbled that he had so dishonoured God, who had done so much for him as he had done, & desired that God would help him for time to come, & to that end desired the prayers of the people of God, that he may keep a wach ouer himself; he further acknowledged that it was iust wth God that, as [312] hee had been departing from God & his ordinances, so that God should depart from him & hedg vp his way wth thornes, who had abused his good blessings too much to gluttony, drunkenesse, & pride, w^{ch} he desired he might be humbled for.

Wherevpon the Gouverno^r declared that he was glad to heare what he had exprest in acknowledgm^t of his euill, & that it was true God doth not leave his people till they leave him; he was told that the Court did not looke vpon him as a common drunkerd, & that they were ashamed that he should at all be thus ouertaken. Deacon Pecke said that he had knowne M^r Raymond long, &

* Richard Raymond, of Salem, Mass., the owner of a vessel then in New Haven harbor.

that when he heard this of him, he oft spake to him of it, & found him alwayes willing to see his sinne & to give satisfaction, onely his was in doubt about the way, but he intended to come to the Court though he had not beene called.

M^r Raymond was minded of that Scripture w^{ch} sayes, in y^e day of aduersity consider, & he was wished to consider how he had departed from God & his ordinances & to take heed of euill company (who would rejoyce in his fall) & to sinne no more least a worse thing come vnto him. After w^{ch} y^e Gouverno^r by way of sentence declared that M^r Raymond for his drunkenesse is to pay according to the law 10^s, w^{ch} fine he was told was considerable, yet in this case may satisfy the law; but as it is a dishono^r to God, he should lay his sinne to heart, & make it his study how he may restore to God y^e hono^r w^{ch} he hath taken away from him.

John Browne being called was told that the Court expected his answere to what was left with him y^e last Court.

Wherevpon he declared that he was sorry that any should take notice of any vnsutable carriages of his in y^e Assembly, that when he is in y^e p^rsence of the holy God that he should offer the sacrifice of fooles, but he knew not that he was guilty of the particuler things w^{ch} had been spoken off concerning him, but he was sorry that he should give any occasion for such reports. He was told that the end aimed at was reformation, & that it was euery ones duty to carry themselues reuerently in the Assembly where the holy God & the holy Angells are p^rsent. John Browne was told y^t it was observed by children that he laughed, to w^{ch} his father replied that he could wish y^e children did not so gaze abroad as they doe, w^{ch} speech of his y^e Court reprobued, as no way tending to his sonnes conviction & good, but y^e contrary. Brother Kimberly s^d that it was reported that when M^r Davenport was speakeing of the power of sinne in a naturall man, that John Browne laughed. Sargeant Jefferies said that its vnderstood that when Goodman Cowper was acknowledging his euill, that then John Browne clapped the seaman on the shoulder & the like, but John Browne owned it not.

James Bishopp said that it was very greivous that Brother Browne, in stead of helping forward the conviction of his sonne, should reflect vpon others as he had done. The Gouverno^r

declared to Brother Browne that he saw it was observed that he had not furthered his sonnes conviction as he should [313] which he hoped he would consider off; he was wished to consider Elies sonns & Gods seuerity for his indulgence.

The Court at p^rsent dismist John Browne with a serious rebuke for his former miscarriages, who was told y^t if more should come to knowledg of the same kinde, or these things come to be further proued, he must expect to give a further account of them to the Court.

The businesse depending since the last Court betwixt John Tompson & Samuel Hichcock, came to be considered, & John Tompson p^rsented Edward Patissons testimony, who saieth that John Tompson did engage to Edward Hichcocke to teach his sonne Samuel his art & to write and read. The Court told John Tompson y^t it seemeth that there might be some agreem^t betwixt Edw. Hichcock & himself concerning his sonne for 7 yeares, though it be not proued; but if it be granted to be so, he was asked how according to the tearmes of that agreement spoken off, the remaining foure yeares should be improued, that the Couenant might be performed, seeing that hee himself was bound for England; to w^{ch} he answered that hee intended to carry him along with him; but y^e Court told him y^t would not be allowed; had he a vessell of his owne, & continued here in employm^t, or if he would propound a man here y^t would improue him in the way intended, it should be considered; but to carry him to England in another mans shipp, he may not. The Order of the Court was, y^t John Tompson shall have liberty to keep Samuel Hichcock vntill this time twelue moneth for the help of his wife in her occasions in his absence, prouided that he be taught to write & read wthin this time, the Court having the power of him & inspection ouer him, that these things be not neglected nor he suffered to goe on in euill practises, w^{ch} he ought not to doe.

Joseph Alsupp, Attorney for M^{rs} Sheafe of Boston, desired y^t y^e Court would stopp John Tompson from his voyage for England vntill paym^t of 20^l or thereabouts was made, or security for paym^t wthin 12 moneths. The Marshall was appointed to acquaint the Cap^t of the shipp with y^e Law in y^t case, & John Tompson was wished to apply himself to give satisfaction to Joseph Alsupp concerning the debt demanded.

Isaac Beacher for absence at a Towne meeting was fined 2^s 6^d.

Tho. Johnson being warned to give an account of the estate of Thomas the Indian, & to shew the ground of his attachment of 40^s of that estate, but he being not p^rpared, it was deferred vntill y^e next Court. It was also Ordered that the ewe & lamb attached in his hands, to answeere a debt to the Towne from M^r Mulliner, should be prised by Roger Allen & Edward Parker, as they were worth about Nouember last, y^e wintering to be allowed to Tho. Johnson.

[314] AT A GEN. COURT HELD AT NEWHAVEN THE 21TH OF MARCH,
1659/60

M^r Tho. Yale was admitted Freeman, & tooke y^e freemans charge.

The Gouerno^r informed the Towne that the Milner had been lately with him & told him that he must deliuer vp the key, for he could not answeere the Townes ends, the Mill being so farr out of repaire, but he wished him to goe on a while, & he would call the Comittee together, w^{ch} accordingly was done, who when they had debated & considered the businesse did generally encline to build the Mills new, w^{ch} they thought they could not well doe without acquainting y^e Towne with it. It was desired that the Milner & Brother Andrewes might declare what they app^rhend in y^e case, wherevpon Mathew Row declared that the Mills are very rotten & y^e dam very defective; to the same purpose spake Bro. Andrewes. Whether to build new, or repaire, & whether to sett y^e Mill in y^e place where it now stands or on the rock on this side, was largely debated, but in issue determined by the vote of the whole Towne, y^t the Mills shall be built new where, or neare the place where y^e old Mill now stands; y^e care of w^{ch} business was referred to the Comittee for y^e Mill formerly chosen (onely Ensigne Lindon was excused, & M^r Tuttle put in his stead) who have power to determine y^e place, to treat and conclude wth such workemen whom they judg able to vndertake & performe y^e worke, & to order the carrying on of the whole busines so as they conceive most for the Townes advantage.

That righteousnes & peace may be p^rserved, & differences among neighbours may be p^ruented, it is Ordered that euery man

that can by the first of May next shall sett vp sufficient land-markes, both to meadow & vpland, w^{ch} shall from time to time be vpheld & maintained.

The Townsmen declared that they had chosen veiwers of fences for the yeare ensuing: for the Yorkesheire quarter, Jo. Tuttle & one for M^r Evances his lott, & Bro. Lindon & Brother Gibbs, y^e bounds of their veiw as was ordered y^e last yeare; Brother Judsons quarter, M^r Feild, M^r Kichell; y^e Mill quarter, Bro. Bradely, Bro. Morris; y^e Gouverno^rs quarter, Tho. Munson, Tho. Meekes; y^e Subvrbs quarter, Brother Hull, Sargeant Boykin.

AT A COURT HELD AT NEWHAVEN THE 3D OF APRILL, 1660.

Robert Nicholes of Seabrooke, as by a note vnder his hand, witnessed by Tho. Kimberly, doth alienate vnto Robt. Johnson his house wth all y^e accomodations belonging therevnto.

Gervase Boykin, Attorney for Thomas Lord of Conecticote, doth alienate for euer vnto John Herriman half the meadow, half the second division, half the proportion in y^e necke, formerly belonging to M^r Dearmans* lott.

Rob^t Talmage passeth ouer to Richard Hull all the meadow he had of M^r Dearmans lott, & all y^e vpland of the second division, except 10 acres.

James Heaton passes ouer for euer to Francis Browne 11 acres of meadow lyeing in y^e East meadow, & 20 acres of vpland lyeing on y^e east side of the East Riuer.

[315] Y^e R. W. M^r Mathew Gilbert & Deacon Miles, intrusted & authorised by John Winthopp, Esq^r, doth alienate for euer vnto John Cowper & Roger Allen for the vse of the Towne of New haven, the house with all y^e accomodations therevnto belonging in all y^e particulers of it w^{ch} was past ouer to him by the Towne July 7, 1657.

Brother Whitnel requested of the Court y^e abatement or mittigation of a fine of 15^s, for hoggs w^{ch} he sometime kept aboue his proportion, one of w^{ch} hoggs was lost; vpon w^{ch} consideration the Court abated 5^s; y^e other is to be p^d to y^e Treasurer.

* An early non-resident land-owner, otherwise called Dearmer or Dermer.

Tho. Johnson, according to the Order of y^e Court y^e 6th of March last, p^rsented an account of the estate of Tho. the Indian, w^{ch} is as followeth: 21 spokes, 2^s 7^d, a paire of boots, 8^s, a hand saw & compases, 4^s, a broad axe, 8^s, a drawingknife, 2^s 6^d, all w^{ch} is 1^l, 5^s, 1^d; w^{ch} Tho. Johnson affirmed to be to the best of his knowledg the whole estate, except a parcell of timber y^t was attached & afterward fecht away by Timothy Ford, concerning w^{ch} he is to give his answere the next Court. Credito^{rs} to this estate were M^r Goodenhouse 11^s, Tho. Johnson 1^l 8^s 9^d, W^m Pringle 10^s, James Eaton 1^l 8^s 9^d, M^r Wakeman 5^s 6^d, Edward Perkins 12^s, M^r Goodyers estate, who all declared them selues satisfied wth each other demands, so that no further prooffe was cald for in y^e case, but the full issue referd to the next Court for y^e division of it.

AT A GENERALL COURT HELD AT NEWHAVEN THE 23TH OF APRILL,
1660

Whereas it is found by experience that the Towne is liable to suffer dammage, by reason that non are appointed to take notice of all Rates, Fines, Rents, or other Incomes to the Towne by any other meanes, whereof the Treasurer yearly chosen is to give an account, and the Treasurers also heretofore have been put to more trouble in passing their accounts then they needed to have beene, if such a course had beene taken, therefore it is now Ordered,

That the Townsmen which shall be chosen before y^e latter end of Aprill euery yeare, shall keepe an exact account of all Rates, Fines, Rents, &c., as are properly dew to the Towne, & charge the Treasurer therewith, the Secretary. being hereby required to give to the said Townsmen a note of what is due to y^e Towne by Fines, Actions, Alienations, or by any other meanes, that is proper to him to doe, and that yearly at the next Towne Meeting after the Generall Court in May, when y^e Orders are vsually read, this account (being before p^rpared by y^e Court, & the said Townsmen as Audito^{rs}, though they should then be out of that trust) shall be declared to the Towne in y^e some of it, that they may the better vnderstand wth what their

Treasurer is charged, & that he hath discharged himself, & so come to know what they are in debt, & what debts are owing to them, w^{ch} debts shal be mentioned in perticuler, if the Towne shall then desire it, and the said accounts are to be recorded for future vse as occasion may require.

W^m Judson, Roger Allen, Abraham Dowlittle, Henry Glouer, John Harriman, John Cowper, Nicholas Elsy, chosen Townsmen. [316] The Gouverno^r desired that the bounds of a parcell of land towards Connecticote might be sett out, for the p^ruention of future differences that might otherwise arise betwixt vs, w^{ch} motion was approued, and therevpon it was Ordered y^t M^r Yale, W^m Andrewes, John Cowper, John Brackitt, Nathaniel Merri-man, wth the help of Mantowees an Indian, y^e late proprietor, shall set out the bounds wth lasting markes, w^{ch} is to be done wthin the first convenyence.

M^{rs} Goodyeare & her farmer Rich. Sperry haveing lately sustained much losse by fire, it was propounded that some help might be afforded vnto them, & to that end Brother Boykin was desired, for the quarter wherein he liveth, John Harriman for that quarter, W^m Bradely for M^r Kichells quarter, Will^m Judson for that quarter, Bro. Bishopp for y^t quarter, Bro. Gibbs for y^t quarter, Sargeant Jefferies for that quarter, Bro. Browne for that side of the Creeke, Bro. Whitehead for that suburbs on both sides, Tho. Powell for y^t quarter, M^r Yale for both sides the East Riuer, Bro. Moulthropp for Stony Riuer & the rest that way, who are to speake wth their neighbours to see what will be freely contributed for their help seuerally.

M^r Bower informed the Towne that the number of schollers at p^rsent was but 18, & they are so vnconstant y^t many times there are but 6 or 8; he desired to know the Townes minde, whether they would have a schoole or no schoole, for he could not satisfy himself to goe on thus; the reason of it was enquired after, but not fully discoverd; but that the schoole might be settled in some better way for the furtherance of learning, it was referred to the consideration of the Court, Elders, & Townsmen, who are desired to p^rpare it for the next Meeting of the Towne.

Great disorders amongst children in y^e Meetinghouse in the time of divine worshipp was complained off, & that it might for the time to come be p^ruented, it was Ordered that the schollers

seat shall be filled with boyes vnder 16 yeares of age, and Edward Parker was desired to take the ouersight of them; Brother Hull & Brother Beaman of those y^t sitt about the staires of the pulpitt, who, if they observe any disorders, the first time they are to complaine to their parents, but if they offend a second time, they are to complaine to authority, that such disorders may be punished, y^t God be not provoked.

Sister Preston at her desire was freed, & in her stead Sister Peck, the widdow, was appointed to sweep the Meetinghouse.

It is Ordered that no boyes or youth vnder 18 yeares of age shall be couered wth their hatts dureing the time of the assembly.

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[317] Brother Allen informed that the house that was M^r Winthropps is now in the Townes hand; he desired to know how the Towne would have it disposed off; a motion was made that the Gouverno^r might be settled in it, wherevpon the Gouverno^r withdrew; after w^{ch} the businesse was debated, & at last it was by y^e vote of the whole Towne determined that they did dispose of y^e house & all y^e accomodations therevnto belonging, that was lately M^r Winthropps in Newhaven, vnto M^r Francis Newman, Gouverno^r, for his vse while he stayer amongst vs, and after him to his wife (if shee surviue) while she lives here, vnlesse the Towne shall need it for any publike vse, & if soe, then to allow her the vallew of it, for her life.

AT A COURT HELD AT NEWHAVEN THE FIRST OF MAY, 1660.

Diuerse persons tooke the Oath of fidelity, whose names are entred in the Great Booke of the Towne Records, fol. 138.

Isaac Beacher & Timothy Nash for absence at a Towne Meeting Aprill 23, were fined each 2^s 6^d.

John Allen the sadler for absence at training was fined 5^s.

Mary Walker being 18 yeares of age, was called & told that the Court had endeavoured to the vttermost to p^rserue y^e estate left her by her father, but by reason of the weake estate of her mother, & the fall & losse of cattell, there comes loss vpon

the estate, so that her part doth amount but to 32^l, w^{ch} the Court doth now appoint her to receive, of w^{ch} shee is to have 10^l in the house & land as it was at first prised, & 22^l out of the estate in Bro. Watsons hand, w^{ch} is to be vallew'd by Leiftenant Nash & Bro. Bishopp; y^e portion belonging to Hannah is to remaine in Brother Watson's hand vntill further Order.

[318] Timothy Ford was called to give an account vpon what ground hee fetcht away a parcell of wheele timber from Goodman Perkins dore, w^{ch} was attached as the estate of Tho. the Indian; to w^{ch} hee answered that it was long agoe, but he remembers that hee acquainted the Gouverno^r wth the agreem^t he made with the Indian, who told him that it was y^e Indians estate y^t was attached, & he knowing the agreem^t he fetcht the timber away; he said that y^e agreem^t was that hee (viz. Timothy Ford) was to get stuff for 4 paire of wheeles, out of w^{ch} he was to chuse stuff for one paire for himself & the Indian not to meddle with it till y^t was done, & what the wheeles came to more he was to pay in corne.

M^r Gilbert declared that Samuel Ford affirmed before him y^t his father was to get, & bring, stuff for 4 paire of wheeles, & the Indian was to make his father one paire & not to have the rest of the stuff vntill the wheeles were made. The daughters of Timothy Ford in Court affirmed that their father was to gett timber for foure paire of wheeles, & he was to have the first paire that was made. The businesse being thus farr heard, Timothy Ford & the credito^{rs} to the estate of Tho. y^e Indian were aduised to speake together, to see if they can end it betwixt themselues; if not, Timothy Ford is to answeere the case y^e next Court.

Jacob Murline & Sarah Tuttle being called appeared, concerning whom the Gouverno^r declared that the businesse for w^{ch} they were warned to the Court he had heard in private at his house, w^{ch} he related to stand thus: on the day y^t John Potter was married, Sarah Tuttle went to M^{rs} Murlines* for some threed; M^{rs} Murline bid her goe to her daughters in the other roome, where they fell into speech of John Potter & his wife, that they were both lame, vpon w^{ch} Sarah Tuttle said that she wondered what they would doe at night, wherevpon Jacob

* Wife of Cornelis, and mother of Isaac and Jacob Melyen.

came in & tooke away or tooke vp her gloues; Sarah desired him to give her the gloues, to w^{ch} he answered, he would doe so, if she would give him a kisse, vpon w^{ch} they sate downe together, his arme being about her, & her arme vpon his shoulder or about his necke, & he kissed her & shee him, or they kissed one another, continuing in this posture about half an houre, as Mariah & Susan testified, w^{ch} Mariah now in Court affirmed to be so.

Mrs Murline now in Court said that she heard her say, she wondered what they would doe at night, & she replied they must sleep, but there was company wth her in y^e roome, & she was in a strait; but it is matter of sorrow & shame to her.

Jacob was asked what he had to say to these things; to w^{ch} he answered y^t he was in the other roome, & when he heard Sarah speake those words he went in, where shee having let fall her gloues, he tooke them vp & she asked him for them; hee told her he would if shee would kisse him, w^{ch} she did; furthe said that he tooke her by y^e hand & they both sate downe vpon a chest, but whether his arme were about her, & her arme vpon his shoulder or about his neck, he knowes not, for he neuer thought of it since, till M^r Raymond told him of it at y^e Mannatoes; for w^{ch} he was blamed & told y^t it appeares that he hath not layd it to heart as he ought. But Sarah Tuttle replied that shee did not kiss him; M^r Tuttle said y^t Mariah hath denyed it, & he doth [319] not looke vpon her as a competent witnesse. Tho. Tuttle in Court affirmed that he asked Mariah if his sister kist Jacob, and she said, noe. Moses Mansfeild testified that he told Jacob that he heard y^t Sarah kissed him, but he denyed it; but Jacob granted not what Moses testified.

M^r Tuttle pleaded that Jacob had endeavoured to steale away his daughters affections; but Sarah being asked if Jacob had inveagled her, she said, no; Tho. Tuttle said that he came to their house two or three times before he went to Holland, & they two were together, & to what end he came he knowes not, vnles it were to inveagle her, & their mother warned Sarah not to keep company wth him; & to the same purpose spake Jonath. Tuttle; but Jacob denyed that he came to their house wth any such intendm^t, nor did it appeare so to the Court.

The Gouverno^r told Sarah that her miscarriage is the greatest that a virgin should be so bold, in the p^rsence of others, to carry

it as she had done, & to speake such corrupt words, most of the things charged being acknowledged by her self, though that about kissing him is denied, yet the thing is proued. Sarah professed that she was sorry that she had carried it so foolishly & sinfully, w^{ch} she sees to be hatefull; she hoped God would help her to carry it better for time to come. The Gouverno^r also told Jacob that his carriage hath beene very euill and sinfull, so to carry towards her; & to make such a light matter of it as not to thinke of it (as he had exprest) doth greatly agravate; & for Mariah who was a married woman to suffer her brother & a mans daughter to sitt almost half an houre in such a way as they have related is a very great euill; shee was told that she should have shewed her indignation against & have told her mother that she might have beene shut out of doores. M^{rs} Murline was told that she heareing such words should not have suffered it. M^r Tuttle & M^{rs} Murline being asked if they had any more to say, they said, no; wherevpon y^e Court declared that we have heard in the publique ministry that it is a thing to be lamented that younge people should have their meetings, to the corrupting of themselues & one another; as for Sarah Tuttle, her miscarriages are very great, that she should vtter so corrupt a speech as she did concerning y^e persons to be married, & that she should carry it in such an imodest, vncivell, wanton, lascivious manner, as hath beene proued; & for Jacob, his carriage hath beene verry corrupt & sinfull, such as brings reproach vpon the family & place; the sentence therefore concerning them was, that they shall pay either of them as a fine 20^s to the Treasurer.

M^r Wakeman & M^r Auger, authorised by the Court of Magistrates to agree with M^{rs} Goodyear concerning her thirds, declared that they doe appoint vnto her a third of the thirds of M^r Lambertons houses & lands throughout, for her life; also all the lands of the first division proper to M^r Goodyeares house, both in the quarter & on the West side, with y^e meadow therevnto belonging, both in the West meadow & in Solitary Coue, w^{ch} is all & only y^t is prised in the inventory at 40^l; for the reuersion of w^{ch} lands M^{rs} Goodyear is to pay 12^l for y^e vse of y^e credito^{rs}.

[320] Also, a third part of the farme where Rich. Sperry now liueth, for the reuersion whereof M^{rs} Goodyear is to pay 7^l;

further they doe appoint M^{rs} Goodyeare to receive of John Harrison 30^l: 15^l whereof is p^rsently to be paid, & the other 15^l at or before the first of Nouemb^r next ensuing; all w^{ch} M^{rs} Goodyeare assented to & accepted; w^{ch} was also allowed by the Court.

M^{rs} Goodyeare doth alienate for euer vnto Henry Lindon* the whole first division of M^{rs} Goodyeares lott proper, both in y^e quarter & on the West side, wth the whole proportion of meadow in the west meadow vnsould being about 21 acres & a half, with the whole right in Necke & oxpasture, wth half the comonage.

Henry Lindon declared that he formerly bought of M^r Goodyeare one acre of the home lott called M^r Hickcox lott, w^{ch} was by M^{rs} Goodyeare testified to be so, w^{ch} was allowed & confirmed by M^r Wakeman & M^r Auger, in behalf of the credito^{rs} to y^e estate of M^r Goodyeare.

Henry Lindon did alienate vnto John Harriman y^e home lott called M^r Hawkins his lott* w^{ch} lott the Court allowed John Harriman to possesse whilst that he keepes the Ordinary, but if he should leave of that employ^{mt}, it is to be tendered to the Towne vpon iust considerations.

AT A GEN. COURT HELD AT NEWHAVEN YE 21TH OF MAY 1660

M^r John Wakeman & Leiftenn^t John Nash were chosen Deputies for the Jurisdiction Gen. for the yeare ensuing; Ensigne Henry Lindon was the next in choyce, if God by his prouidence should hinder either of the other, who were invested wth power sutable to y^t trust. M^r John Wakeman, Leiftenn^t John Nash, Ensigne Henry Lindon, & W^m Gibbard were chosen Deputies for Newhaven Court for the yeare ensuing.

W ^m Russell chosen Treasurer	}	all for the yeare ensuing.
W ^m Gibbard chosen Secretary		
Tho. Kimberly chosen Marshall		

The Gouverno^r acknowledged the great loue of the Towne to him, shewed by their late Act concerning the house wherein he lived, of w^{ch} he had received a copy from y^e Secretary, & withall

* On southeast corner of Chapel and College streets.

desired to know, first, who must beare the charges of repaires of buildings & fences; secondly, what they intend by y^t passage in their act, that they dispose of the house, &c, vnto M^r Francis Newman, Gouverno^r, whether they intend it onely while he continues in that place; thirdly, what is meant by that last clause, then to allow her the vallew of it for her life. Concerning the first, some desired rather to give y^e house freely, then to be at charge of repaires; others propounded that some certaine somme might be allowed by y^e Towne for repaires; others declared themselues free to either; others propounded that at the Townes charge a small barne might [321] bee sett vp; but neither of these was determined att this time: vnto the second it was declared that what y^e Towne had done, they did not intend it onely whilest he continued Gouverno^r, but as it is exprest, whilest he staves amongst vs; concerning the third particuler, the Towne seemed not p^rpaired to give their answere at this time; it was therefore left to consideration till their next meeting, and in the meane time, the Townsmen were desired that y^e house might be veiued, that the Towne may be informed what repaires are needfull to be done, that an answere to the first & third particulers may then be given, w^{ch} could not be done wth consent at this time.

M^r Wakeman propounded that the account of rates leuied for the Mill worke might be cleared, to w^{ch} end it was now agreed that the account of the three rates should be transmitted to Brother Bishopp, to whom all such as had not already done it were desired to repaire to ballance their accounts with him.

The Gouvernor declared that the business left to consideration the last Court, concerning the village propounded by those y^t inhabit on both sides y^e East Riuer, had been debated & considered by the Comittee & the Farmers, but the issue was that at p^rsent the Comittee could not grant all that the Farmers desired, nor would they accept of all the tearmes w^{ch} the Comittee propounded.

The former Orders enioyneing the Farmers on y^e South side of the East Riuer & South end or elsewhere to inhabitt on their lands was now revoked.

The Gouverno^r declared that the business of the schoole had also been considered by y^e Comittee, but was left to be further

considered when it appeares what will be done by y^e Jurisdiction Generall Court concerning a Colony School.

Brother Lindon desired to be freed from his place of Ensigne. It was also propounded that a Captaine & other Officers for the Millitary service might be chosen, both w^{ch} were left to further consideration.

Brother Talmage complained of dammage in meadow by travello's horses; y^e Deputies for y^e Gen. Court were desired to treat wth the Deputies of Guilford & Brandford, that some course may be settled, that damag may be prunted, & for the comfort of travello's in refference to their horses.

[322] The court of magistrates sitting June 5th 60, Newhaven court sate not.

AT A GEN. COURT HELD AT NEWHAVEN THE 21TH OF JUNE 1660

At a Meeting of the Court at the Gouverno^{rs} the 5th of May last, Caleb Horton of Southold complained of John Tod for spreading a slanderous report concerning him, in saying that he saw him in M^r Feilds yard with two or three mayds, & y^t he threw them downe vpon heaps & sate on them, & y^t he called vpon him to help him, for he could not serve three at once, w^{ch} Caleb Horton denyed to be soe. To proue that John Tod so said, he desired that some witnesses might be heard; & first Stephen Bradely testified y^t John Tod told him y^t passing by M^r Feilds yard, he saw a young man & three mayds together, & the man called to him to help him, for he could not serve three at once; Stephen further said that he asked Jo. Tod what bad carriage he saw among them, to w^{ch} he answered that he knew not what they were doing, except they were at prayer. Nathaniel How testified y^t John Tod told him that he saw Caleb Horton throw the mayds on heeps, & y^t he called to him to help him.

John Tod owned what was testified, onely that particuler of serving three at once he said he spake not, but for that he said about their going to prayer he said he was ashamed off, for he did not so apprehend, but saw the young man throw one mayd

vpon 2 other mayds, & Samuel Cooke importuned him to stay, saying that the man was offended y^t he went away & would not help him, but what man it was he knew not; to w^{ch} Stephen Bradely replied that, though he named him not, yet he said it was the young man that kept at M^r Feilds. Samuel Cooke now said that as one of the mayds was goeing home, John Tod came & asked for Moses Mansfeild, & as he went away, Caleb said, what a clownish man is this, that he goes away & leaves him with the mayds; but that he s^d y^t John Tod would not help him, he heard not.

Christopher Tod said that Moses Mansfeild told him y^t Caleb asked what the Court did with the fines of Jacob Murline & Sarah Tuttle, & that he said he would kisse a mayd before the Gouverno^{rs} face, to w^{ch} he replied, then there needs no other witnesse, w^{ch} Caleb now could not deny, but endeavoured to evade by putting such an interp^tation vpon the former part of his speech, w^{ch} the Court was not satisfied with. Elizabeth Stint* said that she was speakeing to Mary Browne, as she was milking, & as shee was goeing away Caleb stopped her & would not let her goe & that he thrust them one vpon another against the railes. Elizabeth Thorp said that she was going to Mary in y^e yard, Caleb stop^t her & bid her stay vntill that fellow (viz. John Tod) was gon, & asked if it were the Constables sonne. The case haveing beene heard, y^e Gouverno^r declared y^t there is much euill in this businesse, & y^t it is spread farr, therefore ought not to be ended in private, but he being a stranger, & desirous of a present issue, the Gouverno^r in the name of the Court declared that it appeares that there was an vncivell & corrupt carriage betwixt them at an vnseasonable time, & y^t Caleb disliked† another, as a foole, or a clowne, y^t would not ioyn with him in his evill practise, & not content therewith, he proudly lets fly against the Court, saying, what doth the Court doe wth the fines, & y^t hee would kisse a mayde before the Gouverno^{rs} face; for w^{ch} miscariages Caleb Horton was fined 40^s; but that part w^{ch} concernes y^e mayds (before mentioned) they are to give their answer y^e next Court, at w^{ch} time (Caleb was told) y^t if he see cause to prosecute against John Tod, he may be heard.

* Daughter of the late Eleazer Stent.

† Found fault with.

[323] The Orders made by the Gen. Court in May last, also a writeing of M^r Davenports, by him then delivered in to the Gen. Court, concerning a Schoole & Colledg, were both read; after w^{ch} y^e Gouverno^r declared y^t formerly the Court had taken care y^t Schooles of learning might bee settled in the seuerall Plantations, but findeing y^t y^e meanes did not attaine y^e end propounded, they have now as by their Order read appeares, provided for y^e settling of a Colony Schoole (for teaching of lattine, Greeke, & Hebrew) in some one of the Plantations, w^{ch} they first tender to Newhaven to accept of, if they shall see cause so to doe vpon the encouragm^t they have agreed vpon, viz. 100^l stock for the prouideing a house for the master to live in, & a Schoolehouse, & 40^l per ann. Sargeant Jefferies desired that y^e Towne [know] the compass of the businesse; to w^{ch} it was answered that it appeares by the Order reade y^t the Jurisdiction allowes 100^l stock, & 40^l per ann. for the sallary; but what it comes to more, that Towne w^{ch} accepts their tender must make vp. After y^e businesse had beene debated & considered, it was, by y^e vote of the Towne generally, declared that vpon the Jurisdictions encouragm^t the Schoole shalbe settled at Newhaven. To w^{ch} end M^r Gilbert, Leiftenn^t Nash, Sargeant Munson, & John Cowper were appointed a Committee to prouide a house for the Schoolemaster, & a Schoolehouse, & therein to vse their best discretion, whether to buy or build, so as may answere the end, yet wth as good husbandry for the Towne as may be.

It was also by the Gouverno^r propounded concerning Oyster shell feild, that as it hath been from the first intended (as hath beene often said) for the vse of a Colledg, that it might now be actually sett a part for that vse, as M^r Davenport in his writeing had desired; w^{ch} was also debated, & the Towne generally shewed their willingnesse that if it shall please God in his providence so to order it, that a Colledg be settled & sett vp at Newhaven, that then the Oystershell Feild shall be sett apart for that vse; but to do it before that time was not granted.

M^r Bower declared that he conceives half of M^r Eldreds lott was granted vnto him; to w^{ch} Sargeant Munson said that the Townsmen (submitting it to the Towne meeting for confirmation) did proffer M^r Bower half the lott, but if he remoued it was to be surrendered to the Towne vpon reasonable tearmes; if he

died here, it was to be to his wife, & he spake to Gouverno^r Eaton about it, who told him, the next weeke they should have a meeting, it might then be considered, but that weeke the Gouverno^r died. The Records were serched, & nothing found to make it appeare y^t half the lott in question was M^r Bowers, but at his desire it was now granted y^t if it be free from the vse of a Schoole, he may make vse of it the next yeare.

It being recomended by the Generall Court to the seuerall Plantations that as they are furnished with men, that a Captaine might be chosen for the military service, Leiftenn^t Nash was nominated as a man fitt for that place, wherevpon he declared that hee hoped the Rules of God in Scripture would be considered & attended in this matter, whereby it appeares y^t such as were chosen were men of courage & valour, cheife men, men of Estates, such as rendered y^e place to be a place of respect.

[324] He said he was satisfied in himself y^t he was not meetly quallified for that place, & desired that they would not chuse a man to expose themselues & him to derision.

The Gouverno^r told the Towne (they haveing heard Leiftenn^t Nashes answere) they might propound some other; but y^e Free-men & others still shewing their inclination to him, he said that he could not see it to be y^e will of God for him to accept, though they should chuse, w^{ch} if they did, he thought would putt him vpon a Temptation to refuse, or else to thinke of remoueing, w^{ch} he desired they would not put him to, but that it might be forborne; w^{ch} being putt to vote, it was yet determined to proceed to a p^rsent choyce, but Leiftenn^t Nash earnestly pressing them to forbear, appealing to God who knew y^e vprightnes of his heart in what he had said, it was respitted till another time, wherevpon Leiftenn^t Nash thanked the Towne for spareing him at this time, & said if God shall perswade his heart of his call to this worke, he shalbe ready to do the Towne service.

Ensigne Lindon againe desired to be freed from y^e place of Ensigne: w^{ch} was deferred till another time.

AT A GEN. COURT HELD AT NEWHAVEN, THE 25TH
OF JULY, 1660.

No Court
July 3, 1660

The Gouverno^r told the Towne, that it was lately determined by themselues (as they knew) that the Colony Schoole should be

settled at Newhaven, & in persuance of that businesse vpon the 28th of June last the Colony Committee (to whom the choyce off a M^r &c. was comitted) mett, & agreed that M^r Pecke* now at Guilford should be y^e Schoolm^r & that the Schoole should begin in October next (when his half yeare expires there), who is to keepe the Schoole, to teach y^e Schollers lattine, Greek, & Hebrew, & fitt them for the Colledg, & for the salary he knowes the allowance from the Collony is 40^l a yeere, & for further Treatyes they must leave it to Newhaven where the Schoole is, & for further Orders concerning y^e Schoole, & well carrying it on, the Elders will consider of some, against y^e Court of Magistrates in October next, when things (as there is cause) may be considered. The Gouverno^r further informed that vpon the 11th of July, M^r Pecke cominge ouer, himself, wth such of the Court & Townsmen as could be got together, had a Treaty with him, who propounded y^t vnto y^e 40^l per ann. allowed by the Jurisdiction, 10^l per ann. might be added, w^{ch} is 50^l a yeare, with a comfortable house for his dwelling, & a schoolehouse, & y^e benifitt of such Schollers as are not of the Jurisdiction, & such part of the accomodations belonging to the house, lately purchased of M^r Kitchell (at a moderate price) as he shall desire, wth some liberty of Comonage, all w^{ch} y^e Towne now consented to, & by vote determined to allow to M^r Peck, w^{ch} y^e Gouverno^r now promised to give him information of.

M^r Gilbert, John Cowper, Tho. Munson, Gervase Boykin, were desired to provide a house for M^r Peck for y^e next winter.

The Court mett y^e 7th of August, 1660: no businesse p^rsenting, they sate not.

[325] AT A MEETING OF THE COURT AT YE GOUERNORS, AUGUST, 28, 1660.

Capshaw & Thomas, NewHaven Indians, haveing beene taken in the act of drunkenesse, quarrelling, & fighting, the day before, were comitted to prison, being now called & charged wth

* Jeremiah, son of Deacon William, of New Haven. He was born in London (in 1633?), and entered Harvard College in 1653, but left without graduating in the Junior year.

drunkenesse, &c., could not deny the facts, for w^{ch} Capshaw, it being the first time, was fined 20^s, & Thomas, his being the second time, 30^s, who being examined where they had the liquors w^{ch} so distempered them, Tho accused W^m Trowbridges his wife concerning so much liquours as cost 4^s; she being sent for, came not, but M^r Lamberton* in her stead, who confessed that the Indians had liquors of, but granted not the quantity spoken off, & withall s^d y^t what they had was mixed wth water.

Afterwards Mauge coming in accused her for selling his bro. a q^{rt} & him a q^{rt} of liquors at 5^s, for w^{ch} he had paid 2^s 9^d, & was debto^r 2^s 3^d, vpon w^{ch} she being againe sent for came, who denyed Maugs accusation, but confessed y^t she did sell some to Thomas, he being importunate for it, concentering [which] W^m Trowbridg is to give his answere y^e next Court.

Maug also informed against Goodman Todd that this last harvest, for cutting of pease, he paid himself & others by 3 pintes of sack: Maug also informed against W^m Andrewes that Kechiamauge s^d y^t for 4 deareskins he received 2 q^{rts} of liquors, & that Nonsuntaway had of Nathaniel Kimberly a bottle of liquo^{rs} half water, that John Tompsons wife the last winter trucked liquo^{rs} for venison wth Mohegins, y^t Goodman Benhams sonns sould to Wampeter liquo^{rs} he thinkes to the vallue of 6^s, y^t Tho. Johnson sould cedar seuerall times y^e last winter to Indians at 6^d a q^{rt}, w^{ch} was now all gone, y^t M^r Mills sould so bigg liquors at 4^s a q^{rt}; but W^m Andrewes, John Tompsons wife, Tho. Johnsons wife, Goodman Benhams sonn, all denyed what was charged by Mauge; Goodman Tod confessed y^t he paid sacke to Indians for cutting of pease, who wth y^e others y^t have not yet beene spoke wth are to give their answere to y^e Court when called therevnto.

AT A COURT HELD AT NEWHAVEN YE 4TH OF SEPTEMBER, 1660.

W^m Trowbridg appeareing in behalf of his wife was told that he stands charged by Tho. the Indian to have sould to himself & Capshaw liquors to the vallew of 4^s, whereby they were both drunke, & fought, & might probably have kild one anothe^r had not help beene at hand, & y^t Mauge charged him wth selling

* George Lamberton, Junior, brother of Mrs. Trowbridge.

him & his Brother 2 q^{rs} of liquo^{rs} at 5^s a q^{rt} & s^d y^t he p^d 2^s 9^d & was debto^r 2^s 3^d, concerning both w^{ch} he was now to give his answe^r.

W^m Trowbrig confessed that through their importunity his wife let them have a little, but he supposed y^t was not it w^{ch} distempered them, but for y^t w^{ch} is charged by Maug, he s^d his wife denies it, w^{ch} she could not doe, if she were guilty; he further said that it was frequent wth Indians to bring liquo^{rs} & be distempered wth them; he was told y^t it was his duty to bring them out y^t sells it, if he know them, & y^t the not doing it argues suspition of his owne guilt; y^e Court further declared that what is spoken concerning the 2 q^{rs} of liquo^{rs}, it remains suspitious, but being [326] not being proued, it must be left. But for that w^{ch} is confessed to be sould to Tho. & Capshaw, it is Ordered y^t he pay 5^l fine according to the Law made by y^e Gen. Jurisdiction Court in May 1659.

Elizabeth Thorp & Elizabeth Stint, being warned to the Court to answe^r for certaine miscarriages wth a young man in Master Feilds yard, as by the Record of the 5th of May doth appeare, they were told that their carriage was then vncomly & at an vnseasonable time, mixed wth some degree of daliance, concerning w^{ch} if they had ought to say by way of acknowledgm^t they might speake; they both confessed their miscarriage in that matter, & s^d that they hoped it should be a warning to them; they were told (especially Eliz. Thorp,) y^t by what she formerly confessed that there was too much compliyan^{ce} in such courses; they were also told y^t they both had godly parents & enioyed precious meanes for the good of their soules, both w^{ch} aggravate their sin, & wisht to take heed of & to fly the lusts of youth & vaine company, especially at vnseasonable times, & to harken to the counsell of their parents, & to take heed of sinfull daliance, least they prouoke God to leave them to some wickednesse y^t may bring shame & punishm^t vpon them, & to rememb^r y^t of Sollomon, he y^t is often reprov^d & hardeneth his necke shall suddenly be destroyed, & y^t w^{thout} remedy, wth w^{ch} rebuke & counsell they were dismissed at this time.

The Gouverno^r being sicke, & brother Lindon being lately deceased, there was no Court Octob. 2^d 1660.

AT A GEN. COURT HELD AT NEWHAVEN NOUEMBR 5TH, 1660

M^r Gilbert declared that the occasion of the Meeting was that Rates might be leuied for the discharge of the debts dew from the Towne, & the carrying on the Townes occasions, wherevpon It was Ordered that three rates shalbe paid by euery man according to his estate, the one half p^rsently, the other half by y^e last of February next ensuing.

Bro. Allen informed that sundry have not cleared their Acco^s concerning the 2 Rates (of w^{ch} Bro. Bishopp keepeth y^e booke) leuied formerly for the Millworke, & y^t sundry are debto^{rs} in Brother Russells acc^o & in an account of old debts dew to the Towne of w^{ch} the Marshall hath the list. It was declared y^t a p^rsent distress might iustly be taken of all such as are faulty herein, neuertheless, being many of y^e Farmers were not p^rsent, The Towne gave liberty of 7 dayes, for cleareing those accounts, & Ordered that what shall then remaine vnpaid, shall be taken away by y^e Marshall by distresse.

Sargeant Jefferies desired that he might be freed from being of the Comittee concerning the fitting vp the great Gunns, for he could not doe what he desired to doe, & ought to doe, w^{ch} was not granted.

[327] AT A COURT HELD AT NEWHAVEN THE 6TH OF NOUEMBR,
1660

An Inventory of the Estate of M^{rs} Elizabeth Godman, late of Newhaven deceased, amounting to 46^l, 6^s, 5^d, (besides a debt due from the estate of M^r Goodyear) by Tho. Johnson (at whose house for some late yeares she lived & where she died) was p^rsented. John Punderson & Tho. Kimberly attested vpon oath that the apprisement by them made was iust according to their best light.

Also a writeing, by Thomas Johnson was p^rsented as y^e last will of the aforesaid Elizabeth Godman, subscribed by Tho. Johnson, Adlin, & Ellin Johnson. Tho. Johnson was asked if that writeing was written in her p^rsence; to w^{ch} he answered, Noe, for it being exprest by her on the last day at night, it could not be done at y^t time, but was written afterwards. He was told

that it should have beene written in her p^rsence, & read to her, w^{ch} it seemes was not done, & that it was not well, that hee would vndertake to write wills, & not express the minde of the deceased neither perfectly nor fully, as in some particulers was instanced.

Adlin the wife of Robert Johnson, one of the subscribers, said that she was there when M^{rs} Godman exprest her minde concerning her estate, but for y^t passage towards the close of the writeing (viz: It is my will the rest of my Estate shall be for Tho. Johnson & his wife to dispose off, as they see good) she was not cleare in. Shee further said that Ellin Johnson the wife of Tho. Johnson asked M^{rs} Godman, who should have her woollen & linnen; she giving no answere, she her self asked her if they should dispose of them, to w^{ch} she answered, they may if you will. Adlin & Ellin Johnson testified that she was then very sick & tired. The writeing being found very imperfect & the subscribers differing in some passages therein very considerable, it was left to consideration till y^e next Court. In the meane time Tho. Johnson was desired to take care of the Cowes mentioned in y^e Inventory, & to see that the other Estate be p^rserved from damage. The debts to the Estate from Joseph Benham, Peter Mallery & Thomas French are to be demanded by y^e Marshall, w^{ch} if denyed, or any part thereof, he, or they, that so doe, are to be warned to give their answere to y^e Court.

AT A GENERALL COURT HELD AT NEWHAVEN NOUEMB 28 60

It haveing pleased the Most High to take away o^r late Honrd Gouverno^r M^r Francis Newman, & Brother Henry Lindon, by death, & thereby the Court being much weakened, M^r Gilbert propounded that another deputy might now be chosen, w^{ch} motion was approued, & therevpon [328] M^r John Davenport Junio^r was chosen deputy vntill May next, who accepted the trust.

M^r Peck haveing desired that y^e agreem^t betwixt the Towne & himself might be perfected, w^{ch} being propounded, it was referred to the Court & Townsmen, who were impowred to treat wth him & to issue the agreem^t & to dispose of y^e house bought of M^r Kitchell (when it comes into o^r hands) vnto M^r Peck for his

vse whilst he remaines in y^t employ^t in the Schoole, or he being otherwise provided, to make sale of the house, or to lett it, & repaire as they shall see cause.

Accordingly, on the third of December, the aforesaid Committee meeting with M^r Peck, vpon a debate with him found that he was satisfied with the house wherein he dwelt, who also propounded y^t at a iust vallew he might be furnished wth 4 or 5 Acres of land for corne, & 2 or 3 load of hay against winter, w^{ch} y^e Committee told him they thought would be done.

A note from M^r Bower was p^rsented wherein he tendered 10^l in way of recompense for the wrong done in y^e busines of the Schoole, w^{ch} the Towne accepted, & by vote declared themselues satisfied.

AT A COURT HELD AT NEWHAVEN DECEMBER 4TH 1660

The businesse depending concerning the will of M^{rs} Godman was called vpon, the writeing was read, & Tho. Johnson was againe told that the writeing was very imperfect to expresse y^e will of the deceased, as in sundry particulers was instanced, and concerning that materiall passage, in the close of the said writeing, noted the last Court, Adlin Johnson cannot witnesse to. To w^{ch} Tho. Johnson answered that he read the writeing to her before shee sett her hand to it, w^{ch} she denyed not, but withall said that shee had scruples about it & did desire time to consider of it, but to satisfy him she did sett to her hand, but afterwards could not satisfy her owne conscience about it.

Goodwife Parker said that she was with M^{rs} Godman that last day at night before she died, at w^{ch} time she advised her to make her will; she said, she would (but she judged her not fitt); she asked her if she would send her goods to her Freinds in England; M^{rs} Godman answered No (onely a few small things) for they had enough already, but she would dispose of it here.

Goodwife Whitnell said that she was with her in her sicknesse, but she would not then be perswaded to make her will, but said she would do it when she was better; she also informed that M^{rs} Godman was indebted 6^l in England for goods sent her,

w^{ch} Mr Goodyear should have paid, but did not, w^{ch} Tho. Johnson said he vnderstands to be soe. Tho. Kimberly said that when they apprised the goods he saw such a note (wherein was mention of Hollan, Tammy, &c.) torne of from another [329] paper, w^{ch} writeing Thomas Johnson was desired to bring to the Court. Adlin Johnson was asked if what M^{rs} Godman exprest was her Free Act; to w^{ch} she answered that after her Cousin had spoke to her, she went on pretty well at first, as about the cowes &c, afterwards hee propounded other things to her, whereto shee (after some time) answered sensibly (as she thought), but she was very sick & weake.

Tho. Johnson said that his Bro. Jeremiah could speake to the cleareing of the case, wherevpon at his desire it was respitted till y^e next Court.

An Inventory of the Estate of Edward Camp p^rsented the first of Nouember 1659, was at this time attested vpon oath by Leiftenn^t Nash & Abraham Dowlittle, as touching the vallew of the goods therein apprized, amounting to 100^l, 05^s, 03^d, besides plow irons & an old gunn, w^{ch} are to be added.

An Inventory of the Estate of John Wakefeild late of New-haven deceased, was p^rsented, amounting to 115^l, 03^s, 01^d, w^{ch} by y^e widdow of the deceased was Attested vpon Oath to be a full Inventory of her late husbands estate, to y^e vallew of 10^s to the best of her knowledg. Will^m Tompson & Roger Allen vpon oath witnessed that the vallew was iust according to their best light.

Sargeant Beckly doth alienate for euer vnto Tho. Harrison his whole accomodation, both vpland & meadow, wth Buildings & Fences at Southend, wth half his second division lyeing about Muddy Riuer.

Nathaniel Merriman declared against William Thorp in an Action of debt, of 2^l, 15^s, 0^d, for a gowne; after sundry Allegations, answeres & replies by plaint & defend^t, they agreed to take in the help of some neighbours in the case, so that no sentence was given by the Court.

M^r Kitchell having attached a parcell of salt belonging to Richard Parker, desired iustice in the case, in refference to a debt of 3^l, but the said Parker not being p^rsent to answer the

plainteife, it was respitted till the next Court w^{ch} M^r Kitchell is to give notice of to Parker, that he may make his defence.

No Court in
January

AT A COURT HELD AT NEWHAVEN FEBRUARY 5TH
1660

The writeing formerly p^rsented by Tho. Johnson as the will of M^{rs} Elizabeth Godman came againe to be considered, which being imperfect, that the minde of the deceased might be y^e better vnderstood, certaine questions were put to y^e Subscribers, Where-vpon:

1. Thomas Johnson & Ellin his wife both testified that M^{rs} Godman gave her three coves to the Two Elders, wthout any Intanglem^t, & y^t they doubt not but that by the Two Elders is meant, M^r Davenport & M^r Street.

[330] 2. They all testified that they conceived her Will was that the debts she owed should be paid out of those three debts due to her mentioned in the Inventory & y^e other writeing p^rsented.

3. Thomas Johnson & his wife testified that the silk gowne & 2 laced handkercheifs were to be sent to Nathaniel Whitefeild to be conveyed to her sister in England.

4. They all testified that the Tammy coate, or Tammy for a coate, which she gave to Abigaile Johnson, they vnderstand that shee intended Abigaile daughter of Thomas Johnson.

5. They all testified that she gave her Bed to Ellin Johnson, w^{ch} they vnderstand to intend the wife of Thomas Johnson.

6, Concerning that materiall passage, viz. It is my will the rest of my estate shall be for Thomas Johnson & his wife to dispose of, as they see good, it was only testified to by Two of the Subscribers, viz: Tho. Johnson & his wife, but Adlin Johnson witnesses not to that part, & concerning the disposall of wollen & linnen she testifies as before.

Jeremiah Johnson testified that he being in y^e next Roome to that wherein M^{rs} Godman lay sicke, he heard her express first that she gave to Abigaile Johnson her Tammy coat, Secondly that she gave to the Two Elders her three Cowes & the ouer pluss of those three debts mentioned in the will, the debts she owed being first paid out of them; he further said that after she had disposed of the Cowes, debts, & Tammy coat, a question was

put to her (whether by his Aunt Adlin Johnson, or by his sister Ellin Johnson he knowes not) who should dispose of the rest of her things, shee makeing a pause, Adlin Johnson put this question to her, shall they, (viz: Tho. Johnson & his wife) dispose of them, to which she answered, If you will.

Concering the Cowes given to the Elders, Tho. Johnson both now & formerly declared that he had hired those Cowes from the time that the Heardsman left of keeping, & forward for a yeare, for w^{ch} he was to give 20^s a cow for such as had values, & 10^s a Cow for those that had non. Jeremiah Johnson testified that he heard M^{rs} Godman & his Brother in Treaty about hireing Cowes, & he vnderstood they agreed, but vpon what tearmes he vnderstands not.

The case being difficult, it was deferred till the next Court. In the meane time, Thomas Johnson^r was Authorised to demande & receive the debts due to the Estate; for what he receives, he is to be responsible to the Court; if any of the debto^{rs} deny paym^t they are to give their answer the next Court.

Dauid Atwater propounded that the case depending betwixt M^r Goodenhouse & himself concerning their land might bee issued; M^r Goodenhouse said that he had endeavoured to gett his land surveyed but could not obtaine it; the question [331] betwixt them was debated, & in the issue, It was by y^e Court concluded & ordered for the issueing of y^e difference betwixt them that the Lands belonging to both of them shall be surveyed, wth the first conveniency, & a returne made, w^{ch} the Court will consider of, if they agree not betwixt themselues in the meane time, where the charge of surveyeing shall fall shall then be determined.

At the desire & request of Will. Judson for the abatem^t or mittigation of Fines, for hoggs he had beyond his proportion, & for falling of trees in the Oxpasture, for reasons now by him given, the Court remitted all save 20^s, w^{ch} he is forthwith to make paym^t of to the Treasury.

M^r Kitchell againe appeared to prosecute an Attachem^t for 3^l vpon a parcell of Salt in the Custody of Christopher Tod, of y^e Estate of Richard Parker, who being called answered not; for prooffe of the said debt he p^rsented a Bill dated y^e 23th of October, 1658, witnessed by Josiah Wilkson, subscribed wth R. P. the marke of Richard Parker, for a hogshhead of Tobacco, bought

of James Mills, payable in Aprill (59) with an Assignation on the Backside, of 3^l, 6^s, 8^d, of the said Bill from James Mills to M^r Kitchell, w^{ch} salt was now condemned & Ordered to be paid to M^r Kitchell for the discharge of y^e 3^l at 3^s a booshell, Prouided there be salt enough to answeare a former Attachem^t for 10^l at the sute of M^r Rudderford, Agent for M^r Ling now in England, M^r Kitchell now engageing to answeare any plea that shall be made by the said Parker within six moneth in the case.

Phillipp Leeke doth (as by a note vnder his hand did appeare) alienate vnto James Russell 6 acres of Meadow, on the East side, Bounded on the North with y^e Meadow y^t was M^r Jeanes his, on the South with a Creeke called M^r Cranes Creeke, on the west with the Sea.

An Inventory of the Estate of Ephraim Penington late of New-haven deceased, was p^rsented, taken the 10th Decemb^r, 1660, amounting to 112^l, 3^s, 0^d, w^{ch} was by y^e widdow of the deceased Attested vpon oath to be a full Inventory of the said Estate to the best of her knowledg; Jo. Cowper & Roger Allen Attested vpon oath that the vallew was iust according to their best light. The Two children, Ephraim & Mary, were desired to propound their guardians the next Court.

[332] Widdow Pigg p^rsented a writeing dated the 28th of March 1660, w^{ch} she vpon oath Attested to containe the last will of Robert Pigg her deceased Husband to the best of her knowledge, w^{ch} being neither subscribed by the Testato^r nor by any as witnesses therevnto, could not therefore be legally proued, but the said writeing being read, & compared with other of his writeings, was judged to be his Act. Francis Browne testified that he heard Robert Pigg say he had made his will, & that John Genner, his sonne in law,* prest him to give him or his children a Colt, but he refused. James Bishopp testified that there was a former will, to w^{ch} Brother Peck & himself were witnesses, but he haveing sould a mare &c. he advised him to make another will, w^{ch} advice of his he supposes was the cause why he made this, w^{ch} he looks vpon as his owne writeing; the p^rmisses being considered the Court did Order that the writeing p^rsented shall be the Rule for the disposall of the estate, & accordingly granted to the widdow power of Administration.

* Alice Pigg married John Jenner.

An Inventory of the Estate of Robert Pigg was also p^resented, taken the 23th of January, 1660, w^{ch} was by y^e widdow of y^e deceased vpon Oath attested to containe the whole Estate to y^e vallew of 20^s, a peice of serge intended for a coat for herself excepted. James Bishopp & Francis Browne vpon oath witnessed that y^e vallew was iust according to their best light; w^{ch} Inventory did amount to 176^l, 12^s, 5^d.

Widdow Wakefeild & two of her children, viz. Hannah & Mary; came to the Court, to whom it was declared that there being no will left to guide the disposall of y^e estate, it is by the law determined that one third belongs to the widdow, & 2 thirds to the 3 childern. Hannah being aboue 18 years of age was appointed to receive her portion: Mary was desired to chuse her guardian, who chose her Mother; the portion belonging to Martha the youngest daughter is to remaine wth y^e widdow, & vnder y^e care of the Court vntill further Order. The widdows part is 38^l, 07^s, 8^d; to each childe, 25^l, 11^s, 9^d, 0^f.

Leiftenn^t Nash & James Bishopp, appointed in May last to sett the vallew of some cattell, for or towards the discharge of a legacy due to Mary Walker, now declared that they had vallued a mare & colt & heipher at 20^l, 10^s, w^{ch} Mary now acknowledged shee had received, & 26^s in household stuff w^{ch} (besides her part in the house & land) is 21^l, 16^s, 0^d, so the estate is debto^r to her 4^s.

AT A GEN. COURT HELD AT NEWHAVEN FEBR. 25, 1660.

M^r Gilbert declared that M^r Peck having complained of y^e schoole house* as too little & of the chimney as faulty, some considerations had beene taken by the Court & Townsmen, how it might be best done; and some thinke (being we shall need a watchouse,) that it is our way now to Build a New School-house, but it being matter of charge they thought meet to acquaint the Towne with it, concerning w^{ch} they were desired to declare their mindes; wherevpon some propounded that it might be enlarged in the length, others in the Breadth, who said that M^r Pecke desired a more square house; others propounded that a

* On the Elm street side of the public Green, at or near the site of the present United Church.

new house might be built, but in y^e issue it was left to be further considered till the next Court.

[333] M^r Gilbert informed the Towne that M^r Winthrop had appointed M^r Jones to receive of the Towne 18^l, a considerable part of w^{ch} some he desired might be paid in fenceing; such as were behinde in their rates were desired to shew their willingnes to further the worke, by getting posts, & railles, or by getting & setting vp of new fence (besides what was before vnderaken by seuerall men). Tho. Lampson engaged to gett 40 w^t oake posts, Joseph Benham 50 posts of chestnutt. It was desired of the Townsmen to vse their best endeavours that y^e whole fence may be compleated by the 10th of March next.

The demands of Lawrence Ward of Brandford for building a Bridg (long since) at Stony River, was read, but the matter not being vnderstood by the Towne, it was referred to M^r Tuttle, John Cowper & Mathew Moulthrop, to treat wth Lawrence Ward, & to allow him what they finde iust.

Leiftenn^t Nash desired the Towne to consider, how y^e Military Officers w^{ch} are wanting may be supplied, w^{ch} was left till the next meeting vnder consideration.

A letter from the Deputy Gouverno^r directed to the Freemen was read, wherein he desired that they would improue their liberty in the Nomination of fitt men, against the Court of Election, y^t may be helpfull in the Magistracy, w^{ch} was left to consideration till the next Meeting.

Tho. Lampson & Timothy Ford propounded for a peice of land lyeing by M^r Malbons Meadow, w^{ch} was not granted.

It was agreed that a peice of land called Homes his Race, should be veiued in order to a village, & that o^r Title therevnto by a lawfull purchase be cleared & secured.

M^r Pecke desired that the schollers might have liberty of sitting in the gallery or stairecase, w^{ch} was granted, & that no other should have Liberty to sitt there was now Ordered.

Will Andrewes propounded, to buy a peice of Meadow, vpon y^e East River aboue M^r Yales Meadow, to w^{ch} the Towne shewed their willingnes, but the quantity of it not being knowne, it was deferred till the next Court.

Complaint was made of vnruely doggs w^{ch} bite horses as they passe in the streets to the endangering of their Riders; Sargeant

Munsons dogg & Tho. Johnsons dogg was spoken off; w^{ch} was also left till the next Meeting.

[334] AT A COURT HELD AT NEWHAVEN MARCH THE 5TH, 1660/61.

An Inventory of the Estate of M^r Francis Newman deceased, y^e late Honrd Gouverno^r of this Colony, taken the 8th of January, 1660, amounting to 430^l, 02^s, 07^d, was p^rsented, w^{ch} was by M^{rs} Newman, y^e widdow of y^e deceased, vpon oath Attested to containe y^e whole estate of her deceased husband (her Interest in the house shee lives in, not yet cleared, excepted) according to her best Light. M^r Wakeman, Deacon Miles, & John Cowper, attested vpon oath that the vallew was iust according to their best light.

Widdow Penington & her two children came to the Court, to whom it was declared, there being no will left to guide y^e disposall of the estate, it is by the Law determined that one third of the estate belongs to the widdow, the remainder being devidid into 3 parts, Ephraim the eldest sonne is to have two thirds, and Mary one third, who both now nominated their Mother for their Guardian, w^{ch} the Court approued.

William Andrewes (with the consent of Mary wife of William Andrewes Juni^r,* as by a writeing subscribed by her did appeare) doth Alienate vnto Anthony Elcote, a house with the home lott by y^e water side, being betwixt the house of William Russell, & that in y^e possession of John Brookes.

Will Bradly & John Allen p^rsented an account of their Trust concerning the disposall of the estate of Daniell Bradly, deceased, whereby it appeared that out of the estate of 44^l, 10^s, 9^d (vnto w^{ch} a sithe after the Inventory was p^rsented found & sould for 6^s 8^d w^{ch} makes the estate 44^l 17^s 5^d) they had paid of debts due from the estate 32^l 10^s 6^d vnto w^{ch} being added 20^s allowed to them for their care & paines in the businesse, & 6^s y^e Secretarys fees, all w^{ch} amounts to 33^l 16^s 06^d, w^{ch} being deducted the estate remaines 11^l 00^s 11^d, w^{ch} according to the Order of the Gen. Court in May last is thus to be divided: to widdow Bradly 2^l 0^s 2^d,† to Josua Bradly 2^l 0^s 2^d, to Nathan Bradely

* He married Mary Chandler in 1650, but had deserted her.

† Now widow of John Parmelee.

2^l o^s 2^d, to the wife of John Allen 2^l o^s 2^d, to Stephen Bradely 2^l o^s 2^d, to William Bradly or¹ oo^s or^d, prouided that what shall be added to the estate by a debt due from Richard Fellowes not yet recouered, & what may be deducted from the estate by a debt claimed by Thomas Coleman, not yet proued, shall be added to, or deducted from each part according to proportion.

An Inventory of the Estate of John Ouerin* late of Newhaven deceased, was by Jer. Osburne p^rsented, taken Febr. 19th, 1660, amounting to . Jer. Osburne attested vpon oath that it was a full Inventory of the estate of the deceased, to y^e best of his knowledg, & by Abraham Dowlittle & William Russell vpon oath, that the apprisem^t was iust to the best of their light.

The Court enquired of Jer. Osburne whether he knew of any y^t stood related to the afores^d John Overin, who answered that Hen. Allen hath told him that he hath a Brother about Piscatto-way, who vndertooke to give him notice of Jo. Ouerins death. The estate was left wth Jer. Osburne to be kept in specie till further Order.

[335] At the desire of Jeremiah Osburne this following writeing was Ordered to be Recorded.

To all people to whom this writeing shall come, I Thomas Osburne Senior of East Hampton on Long Island in New England, Tanner, send Greeting: Know yee, That I Tho. Osburne, out of my Fatherly loue & affection vnto my beloued sonne Jeremiah Osburne of Newhaven, Tanner, as also for divers other causes & considerations, mee therevnto moueing, have given & granted, & by these p^rsents doe give & grant and confirme vnto my afores^d sonne, that my house & tan yard scituate & being in the Towne of Newhaven aforesaid, as also all other the accomodations therevnto belonging or appertaining, as all buildings, fences, housing, vpland and meadow ground, with all things whatsoeuer, whether moueable or imoueable, To have & to hold, all & singuler the afores^d house & lands with the appurtenances belonging or appertaining to the premisses, vnto my afores^d sonne Jer. Osburne, his heires, executors, administrators & assignes for euer, & for his & their proper vses & behoofe quietly & peaceably to enioy the same for euer, wthout any claime or challenge by mee or any in my Name, or by any

* Or Overing.

procurem^t or consent of the aforesaid Thomas Osburne & in
witness of all & every the p^rmisses & y^e full confirmation thereof
I have sett my hand & seale this 17 May Anno Domⁿ 1660

Sealed & deliuered in

Tho. Osburne Seale

the p^rsence of vs

John Hand

Joseph Hand

An Inventory of the Estate of Edward & Grace Watson late
of Newhaven deceased, taken the 25th of December 1660, by
Francis Browne, was p^rsented, amounting to 80^l 03^s 8^d 1/2 & by
him vpon oath Attested to be a full Inventory of y^e estate to the
vallue of 5^s to the best of his knowledge (an estate formerly
appointed to Mary Walker* in the house & lands of her father
vnder some question excepted): at the desire of Francis Browne
the weareing apparrell & a parcell of cotton & linnen, both amount-
ing to 5^l 9^s 0^d was allowed for cloathing of the children, w^{ch} is to
be deducted out of the some of 80^l 03^s 08^d 1/2, so that the estate
remaining is 74^l 14^s 08^d 1/2. Francis Browne & James Bishopp
attested vpon oath y^t the vallue was iust according to their best
light. Francis Browne was admitted Administrator.

} Anthony Elcote plaint
} Samuel Whitehead defd^t

[336]

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AT A GEN. COURT HELD AT NEWHAVEN THE 7TH OF MARCH 1660/61

M^r Gilbert declared that one occasion of the meeting was to
consider againe of the Schoole house w^{ch} was left vnissued y^e
last Meeting; concerning w^{ch} the Court & Townsmen wth some
others have had some debates, & doe judg (considering o^r p^rsent
vnfittnes to sett vp a new building) that such a way as hath
beene thought of by enlarging the old house may answere the end
w^{ch} they hope will be satisfying to the Towne; wherevpon Sar-
geant Munson being desired, declared that the way thought of

* The elder daughter of Grace Watson by her first husband, John
Walker; she married John, son of Francis Browne.

was to sett vp a crosse building, at the end of the old house, of the same height, breadth & length (or within a foot) as the house that now is, & that so much of the length of the new building as answers the breadth of the old, to be an enlargm^t of the comon schoole house, the other part, a partition being made, & it furnished with a table, shelues to lay bookes on, &c, to be for a private roome for the M^r or such as he sees meet to make vse of, as occasion is, w^{ch} worke was intended to be carryed on by dayes worke, in expectation to lessen y^e charge; w^{ch} being related, & the question propounded, It was by y^e vote of the whole Towne determined that such an addition shal be made & carryed on in such a way as was propounded, w^{ch} was left with y^e Treasurer & Townsmen, who were desired to put forth their endeavo^{rs} that the worke may finished by y^e Election Court in May next.

[337] The business concerning the Military Officers, propounded the last Court, came to be considered, that a Captaine might be chosen was propounded, & for that place Leiftenn^t Nash was nominated, but he shewing his backwardnes to accept of such a trust, no choyce was made at this time.

Sargeant Munson was chosen Ensigne, but he not accepting the place, the vote was declared Nul; who was desired, as a Sargeant, for some time, to supply the place of an Ensigne that he might have Triall of his Abillities, in the worke & exercise of that office, w^{ch} he promised to doe.

Corporall Russell was chosen Sargeant.

John Winston was chosen Corporall.

It was Ordered that the drummer (when the weather is seasonable) shall beat the drum for publick meetings on y^e Lords dayes & lecture dayes, betwixt M^r Tuttle & Mr Evances.*

It is Ordered that a New drum shall be prouided at y^e Town charge, the Treasurer to pay for it, y^e Millitary officers to procure it.

M^r Gilbert minded the Towne of the letter from y^e deputy Gouverno^r, read the last, concerning y^e Nomination of some fitt men for Magistrates, w^{ch} was left to consideration vntill the next Meeting, w^{ch} was now appointed to bee the first of Aprill.

* That is, from the corner of State and Grove streets to the corner of College and Elm.

AT A GEN. COURT HELD AT NEWHAVEN APRILL FIRST 1661.

M^r Gilbert declared that the last meeting but one y^e Deputy Gouernors letter was read, wherein he desired that two might be nominated for help in the Magistracy against the Court of Ellection, w^{ch} he desired might now be attended; w^{ch} being put to the question, the papers being read it was found that

M^r Wakeman was nominated, to be propounded at the Court of Election for a Magistrate.

After w^{ch} M^r Wakeman declared that he thought y^e vnsettled condition he stood in would have spoken sufficiently to have preuented any such thoughts concerning him, wherevpon the question being putt to him, whether he did not intend to stay amongst vs, w^{ch} he answered, that he was not resolued whether to goe or stay, but rather then he would accept of y^e place he would remoue, they had therefore done nothing in what they had done, therefore it was safe to nominate some other.

It was propounded that another might be nominated, w^{ch} by y^e vote was so determined, & y^e papers being read, it was found that

William Gibbard was nominated to be propounded at the Court of Election for a Magistrate.

William Gibbard declared that he was satisfied in himself that he was not called of God to that place, both in regard of some inward vnfitnes w^{ch} he findes in himself, & in regard of some [338] circumstances respecting his outward Condition w^{ch} would not admitt of it; he therefore earnestly desired to be spared for he could not accept of it. To which it was answered, that what was done had not been done rashly; they therefore saw not ground to alter from it, nor must they make any such p^rsident, w^{ch} would be of such ill consequence; the businesse was largely debated, but nothing altered, but left to be further considered vntill the next meeting, w^{ch} was now appointed to be the 15th of Aprill.

A writeing from Southold was read, whereby it appeard M^r W^m Wells & M^r John Yougne were nominated for Magistrates.

Mathias Hichcock propounded for abatem^t of rates for their Neck of Land at Southend, w^{ch} was left to consideration vntill the next Meeting of the Towne.

The Townsmen declared that they had chosen veiwers for the yeare ensuing, w^{ch} were as followeth: Suburbs quarter, Martine Tichnell, John Winston; M^r Streets quarter, for the South part, Jo. Pund^rson, Joseph Benham; for the North part, W^m Bradely, Tho. Johnson; the bounds of their respective view, as was Ordered, Nouemb^r the 8th 1658; M^r Lings quarter, James Eaton, Tho. Meeks; for M^r Davenports quarter, Francis Browne, Tho. Kimberly, Senio^r; the Little quarter, Isaac Whitehead, Isaac Beacher; for Springfeild, John Thomas, Timothy Ford.

AT A COURT HELD AT NEWHAVEN THE 2D OF APRILL 1661.

Henry Glouer complained of his Servant, Thomas Tompson, for stubborne & rebellious carriages, both towards himself & his wife for prouoking speeches, for runing away, for stealing his time, for stealing Canooes, for Breach of the Sabbath, vnto w^{ch} hee hath added many lyes.

Thomas Tompson was asked if this was true, & what was y^e cause that he fell into these miscariages.

Thomas Tompson answered that he was in the Barne, & there being a ladder broken, his m^r tooke vp a peice of the Ladder & struck him downe wth it; but Hen. Glouer said, it was a Slander, & that he received no hurt by the Beating he had.

John Gibbs testified that he saw a stubborne carriage of Tho. Tompson one Evening in the Street, refusing to goe home when his m^r comanded him, & that he stroue with them, when they laid hands on him; to the same purpose testified William Russell. Hen. Glouer further complained that his man would goe out a nights, & refuse an account where he was.

M^r Gilbert told Tompson that hee appeares to be a stubborne & rebellious youth, neither feareing God nor his M^r nor dame; he was told that such a Fellow was not to be suffered; the Court told him that they would not allow any vnlawfull strikeing & that it was true another instrum^t had beene more fitt then y^t which he speakes of, but it appeares not that there was any hurt done; he was told that he was an Apprentice & stood Bound to doe faithfull service, & his M^r to finde him meat, drink, & cloathing: now if any difference arise, the Authority must decide it, &

not vpon euery dislike to run away; he was wisht to consider how hee hath carried stubbornly, stoutly, rebelliously, goe [339] out when he will, come in when he will, & give no Account, w^{ch} were carriages not to be borne, after w^{ch} he was committed to prison.

In the after noone M^r Jones brought his Servant, Richard Matticks (being sent for) to the Court, & M^r Jones was told y^t his man was sent for, he haveing beene in a miscarriage wth Thomas Tompson stealing Canooes, breakeing the Sabbath, &c.

M^r Jones said that he beleueed his man was drawne aside by the other, who could not have gon away without counsell & conduct from him w^{ch} hath beene accustomed to such courses, & that hee knew of no discouragem^t he had in his service, & that he seemed to be sensible of his euill & of the hand of God against them—being in danger on the water.

Richard was told that he had falen into a sinfull miscarriage to goe away, from such a place, in such a manner; he was asked how long this business was plotting; he said, about half a yeare, and in particuler, as he was going to the Mill, Tompson told him how his M^r beat him, therefore he would not stay, and perswaded him to go along with him, particulerly when his M^r was gon to Connecticote he came twice & entised him to goe, & when they were in the Cannooe, it ouersett, at w^{ch} time he would have returned but Tho. Tompson would not; so they went to Brandford, where M^r Crane asked them whence they came; Tho. Tompson answered he run away from the Duch, being there ill vsed; afterwards being examined at Guilford whence they came, Tho. Tompson said that he came from the Duch, & was going to his Mother in Law at Road Island.

Thomas Tompson being brought from the prison was told that it appeares by this young man Richard Matticks, that he hath brought him into a Snare, to run away from his M^r, to steale Cannooes, to breake the Sabbath, &c.

Thomas Tompson said that he was very sorry for what he had done, & confessed that he had sinned against his M^r & dame; he hoped it should be a warning to him; he was told that little sorrow appeared, but that his sin was greatly agravated that he should go on wth such stubbornes & rebellion, running through fire & water as it were; he was wished to consider what would have become of his soule, had he perished in the water, when he

was in that danger; he was further told, had there beene no complaint, yet the Authority would not beare it, that he should draw away another mans Servant, steale cannooes, breake the Sabbath, tell lies, as was now instanced, viz. that he was run away from the Duch, y^t he was goeing to his mother at Long Island, w^{ch} he could not now deny.

Hen. Glouer informed the Court that his man had acknowledged his fault to him; he desired that so far as it concernd himself, it might be past by.

M^r Jones said that he would not in y^e least excuse his mans euills, but he had endeavoured to convince him of it, & hee hoped there was somewhat done that way; he said he apprehended great difference betwixt Tompson & his man whom he looked vpon as drawne aside by the other; he therefore desired, if the Court saw meet, that it might be past by.

The Court haveing heard & considered the seuerall miscarriages of Tho. Tompson before mentioned, by way of sentence declared that hee shall be punished by whipping.

[340] As for Richard Matticks M^r Jones his servant, y^e Court findeing that he was drawne aside & entised by Tompson to this miscarriage, & considering what his M^r hath exprest concerning him, the Court enclined to favoure, & gave no sentence for punishment^t at this time.

Thomas Johnson in reference to the estate of M^{rs} Godman was spoken with, who was told that there appeares to be a mistake in the Inventory concerning the apprisem^t of bookes, w^{ch} must be rectified, & that some things w^{ch} are to be sent to England are prised wth other things w^{ch} must be seuered; & concerning a debt of 4^l or thereabouts claimed by himself, it was demanded how that debt arose, to w^{ch} he answered that most of it was for houseroome & fireing, at 8^d a weeke, w^{ch} he was told must be proued; a debt to the Church Treasury amounting to 1^l, 12^s, 6^d, & 15^d due to David Atwater out of the estate was p^rsented & entred on the Inventory; further claimes out of the estate was made by Thomas Johnson, w^{ch} remaine to be considered; concering the three Cowes the Court declared that they belong to the Elders, only what Thomas Johnson hath to say concerning the agreem^t for hire, formerly mentioned. It was left to be issued betwixt the deacons & himself, but for the wintering, if the s^d Cowes be delivered, Tho. John is iustly to be

satisfied. Tho. Johnson was told that the writeing p^rsented for the will of M^{rs} Godman was so darke & difficult, & indeed such as here neuer was presented, that it hath occasioned these delays, & must yet be delayed that further advice may be taken about it.

AT A GEN. COURT HELD AT NEWHAVEN THE 15TH OF APRILL 1661.

This Meeting being cheifly appointed for the further issuing of the businesse left to consideration y^e last Court, concerning the Nomination for Magistrats, at M^r Gilberts desire,

Will. Gibbard declared himself that he had considered of what was spoken & done in refference to himself the last Court, but he still saw cause to request y^e same as then he did, vpon the grounds then exprest, viz: that he may not be thought of for such a place, for he durst not vndertake it, as being sensible of the weight of y^e worke, & his vnfitnes for it.

M^r Wakeman declared that in refference to himself nothing was done, by what had beene done, for he was both discouraged in himself, & vnsettled in respect of his dwelling; he therefore desired it might be considered what was for the good of the place, & to Nominate some other; the case was againe largely debated but nothing was obtained for the alteration of the Nomination, but to stand,* & M^r Gilbert desired to certify it to the othe^r plantations.

[341] William Blayden being under some degree of distraction (as a worke of mercy to him) it was Ordered, that such vse of ordinary meanes, by phisicke &c as may be judged necessary for his help, shall be afforded, the care of w^{ch} businesse was left to the Townsmen.

AT A GENERAL COURT HELD AT NEWHAVEN THE 29TH APRILL 1661.

Roger Allen, John Harriman, John Cooper, Sarjeant Andrewes, Hen. Glouer, Nicholas Elsy, W^m Paine, chosen Townsmen for the yeare ensuing.

* He was elected in May, but did not accept the position, and died in the following September. Apprehension of changes likely to follow the Restoration of King Charles II made office undesirable.

Sarjeant Munson who was formerly nominated for Ensigne to the Millitary Company, now Accepted that Trust.

Roger Allen was chosen Sargeant.

John Allen was chosen to be a Corporall.

It was left to the Millitary officers to provide a drummer.

W^m Tharp & Henry Bristow were chosen viewers of the fence of the 40 Acres peice.

AT A COURT HELD AT NEWHAVEN MAY 7TH 1661.

The Marshall informed that at the sute of M^r James Mills he had attached 10^l of the estate of Richard Parker in the hands of Christopher Tod; John Cooper, by vertue of a letter of Attorney from the s^d Mills, dated Sept. 7th, 1660, appeared to prosecute; for proof of the said debt, y^e p^f p^rsented a Bill for 68 gilders to be p^d in wampom sometime in Nouember, w^{ch} at 20^d a gilder amounts to 5^l, 13^s, 4^d; also another Bill for 55^s to be paid in Beavo^r, w^{ch} was due the 3^d of September 1659: y^e plaint. pleaded that after the Attachm^t was laid, he owned himself indebted; the Marshall testified the s^d Parker knew y^t his goods were attached before he went hence; after w^{ch} the Court by way of sentence Ordered that y^e salt attached shall be paid at 3^s a booshell to answere y^e Bill for 5^l, 13^s, 4^d, w^{ch} should have beene paid in wampom, & at 2^s 6^d to answere the Bill for 55^s to be paid in Beavo^r, with the charges of the Court, prouided that y^e plaint. shall stand engaged to answere any Plea y^t may be made by the defend^t of his Assignes within six moneths, & that their be estate enough found to answere a debt formerly condemned to M^r Kitchell, w^{ch} salt or other estate if it will not answere both, is to be shared in proportion.

An Inventory of the Estate of Deacon Hen. Lindon late of Newhaven deceased was p^rsented amounting to w^{ch} was by the widdow of the deceased attested to containe y^e whole estate according to her best light. Leiftenn^t Nash, [342] Deacon Will^m Peck, & James Bishopp attested vpon oath that the vallue was iust according to their best light. The widdow was admitted Administratrix to receive & pay debts, to dispose of some lands by sale for y^e good of the Estate vntill further Order.

John Punderson doth alienate for euer to M^r Tuttle one dwelling house with the home Lott, wth 7 Acres of vpland in the Quarter with y^e Barne vpon it, Bounded by Samuell Hodgkins on the South, Robt Johnson on the West, y^e Common on the North, & one acre $\frac{3}{4}$ in the clay pitt quarter, the common on the South-west, W^m Judson Northwest, John Punderson on the South east, with 7 Acres more or lesse on the west side, vndivided, & 60 acres of vpland lyeing betwixt the East, & Mill Riuer, W^m Potter on the South, Tho Beamon on the North, with his whole proportion in the East Meadow, containing about 15 Acres be it more or less, W^m Potter on the South, Tho. Beamon on the North, y^e Riuer on the East, the vpland on the west.

M^r Tuttle alienates for euer vnto his sonne John Tuttle the abouesaid house & home lott, with y^e barne, & the 7 acres of land, vpon w^{ch} it standeth, wth the 7 acres of vpland on the west side, with half the aboues^d Meadow & half the 60 acres of vpland.

Tho. Johnson desired of the Court the business depending concerning the will & Inventory of M^{rs} Elizabeth Godman might be issued, but being not p^rpared, at his desire, it was left to be issued by y^e Court of Magistrates.

William Gibbard haveing Attached 4^l of the Estate of M^r Malbon deceased, in the hands of Roger Allen, now appeared to prosecute the said Attachment, and declared that about the time of Captaine Malbons goeing fo^r England, w^{ch} was about 1648, he did deliver to the said Captaine a parcell of Porke, w^{ch} to the best of his knowledg was to the vallue of 3^l or within 3^s vnder or ouer (the trueth whereof he now tendered to Attest vpon oath) and in consideration thereof, that the s^d Captaine did engage to endeavour to procure & send him a Boy, which being effected, further paym^t was to be made, But the said Boy was not sent, nor any other satisfaction made; he therefore desired the Justice of the Court in the case. To proue y^t there was such a parcell of Porke received of him by M^r Malbon & to such an end, he now informed in Court, that he had a letter from M^r Malbon (w^{ch} wth other writeings is lost o^r burnt) wherein he directed him to repaire to Gouverno^r Eaton to whom he had sent foure Boyes, & to whom he had written desireing him to part with one, to fulfill his engagem^t in refference to the porke, & his promise vnto the s^d Will^m Gibbard, but he heareing that some of those

Boyes were either dead, or run away before they came to [343] Newhaven, he did not, to the best of his remembrance, at all speake to Gouverno^r Eaton about it.

That M^r Malbon had received Porke & to such an end, he now in Court (further to make it appeare) p^rsented a letter from M^r Malbon to M^r Eaton, dated September 24th, 1649, wherein there was this passage:

There are also foure boyes sent vpon you^r account, & are bound to you for 10 yeares a peice, but how it comes about I know not, the Indentures on you^r part are not sent vp. My Cousin Samuel promised mee to procure mee one or two Boyes, & when he had gott these foure he sent mee word that Francis Elcot (I take it the Boyes name is) should be for you certaine, & out of the rest I should chuse one where I would, & yet afterwards let them all be bound to you, and since I writt to him about it, he returned mee answere, that he doubted not but that you & I should agree well enough. The trueth is, I was engaged to Brother Gibbard to provide him a Boy if I could, & I received some porke in part of payment, therefore I desire you would be pleased to lett him have one, & agree with him as you may for him.

Which being read, the Court declared that by y^e letter (w^{ch} they judged to be M^r Malbons hand) it appeares that there was porke delivered to him, & to such an end as hath been said, but what the vallue of it was doth not appeare, vnto w^{ch} Will^m Gibbard answered, that he remembers that it was aimed at to make half p^rsent pay, but for any iust somme he would not say otherwise then before; he further declared that it might bee expected that a reason should be given, why this debt should now be demanded, & nothing heard of it till M^r Malbon is dead; he should therefore give an account thereof. There was a time when M^r Goodyear had Servants sent by M^r Malbon, first by way of Virginia, afterwards by way of Boston, & that he had a Boy of M^r Goodyear w^{ch} came by way of Boston; he further said that it must be granted that he propounded y^t 3^l paid to M^r Malbon as part of the pay, w^{ch} he thought had been accepted, but there being an account betwixt M^r Goodyear & himself not issued when M^r Goodyere went for England, it was not discovered; the intelligence of whose death coming ouer, his

bookes being searched it was found & doth so now appeare (as M^r Gilbert & M^r Wakeman now testified) that the s^d W^m Gibbard there stands charged with 8^l for the Boy w^{ch} was the full somme his time was sould for, w^{ch} demand of M^r Goodyeares he stands liable (& did now engage) to answere, other accounts being cleared. And further by an account drawne vp by M^r Goodyear (now shewed) it appeared that he made M^r Malbon Credito^r for half of the Servants that came to Newhaven by Boston w^{ch} (he said) M^r Goodyear [344] would not have done, had this porke before mentioned come into consideration betwixt them; he therefore conceived that the estate of M^r Malbon ought to be responsible for the s^d debt, according to Right, w^{ch} case the Court tooke into consideration, but gave no sentence at this time.

James Bishopp doth alienate for ever vnto Tho. Tuttle, three acres of vpland lying in the Yorkesheire quarter, thus bounded: Tho Powell on the South East, John Johnson on the Northwest, y^e high way on the Southwest, James Bishopp on the North east.

An Inventory of the Estate of John Griffen some time of New Haven deceased, taken the 24th of January 1648, was now presented amounting to 4^l 19^s 2^d, besides a peice of cotton cloath at Edward Watsonns containeing about yards not apprizd; out of w^{ch} estate 32^s paid to Sarjeant Jefferie, & 8^s now abated on the sute & coate, & 4^s 5^d or thereabouts in the hand of widdow Banister now in England, & 6^s to the Secretary being deducted, y^e estate remains 2^l 8^s 9^d w^{ch} is to be comitted to y^e Treasurer there to remaine vnto such shall appeare as shall proue their right to it.

An Inventory of the Estate of John Vinson late of Newhaven deceased, was p^rsented the 3^d of January 1659 (w^{ch} should there have been entred) taken the 10th of Nouember 1659, amounting to 90^l, 12^s, 4^d, attested vpon oath by y^e widdow to containe the whole estate of her late husband. Henry Lindon* & Samuell Whitehead attested vpon oath y^t y^e apprizm^t was iust according to their best light. The whole estate was left with Widdow Vinson vntill further Order.

* Deacon Lindon died in September, 1660, so that this attestation may have been attached to the inventory.

AT A GENERALL COURT HELD AT NEWHAVEN YE 23TH OF MAY 1661.

M^r Gilbert told the Towne that the principall occasion of the meeting, was for the chusing of deputies, for y^e Jurisdiction Gen. Court, & for the particuler Towne Court.

Wherevpon M^r Jo. Davenport Junio^r desired that he might be freed from any place of Civill employm^t at least for this yeare. Leiftenn^t Nash also desired to be spared, who gave this reason, that the occasions of his Family would not any longer beare it, to vndertake & discharg such a trust.

They were both told that the p^rsent businesse of the Court was to chuse men whom they judged fit, for such employm^t.

Leiftenn^t John Nash & John Cowper were chosen Deputies to assist in the Jurisdiction Generall Court next, who were invested with power to consult of & determine all such mattes as concerne y^e publick welfare of this Colony.

Before the choyce of Deputies for Newhaven Court, Leiftenn^t Nash desired that it might be considered that he had been in the military employm^t almost 20 yeares, & 7 or 8 yeares a Deputy in y^e Court; he therefore againe desired that he might be left out in this p^rsent choyce, for y^e reason before given.

[345] M^r John Davenport, Junio^r, Leiftenn^t Nash, John Cowper, & James Bishopp, were chosen Deputies for Newhaven Court for the yeare ensuing.

Roger Allen was chosen Treasurer.

Will^m Gibbard was chosen Secretary, who declared that he had formerly desired to be spared, & should not now accept of the place for a yeare, but he should doe the worke for sometime, prouided that vpon notice given to the particuler Court of his desire to be freed, it might be granted.

Tho. Kimberly was chosen Marshall, who accepted the trust vpon the same tearmes as y^e Secretary had done & not otherwise.

M^r John Davenport Junio^r said that he had declared him himself vnwilling to accept of any publick employm^t, at least for this yeare, yet notwithstanding he now seeth that the vote hath past for him; he further said, though he was not vnwilling to doe service for God & his people, yet he could not (considering the weight of the worke, & his vnsettled condition) accept of this Trust; he professed y^t for the time he had been in that Trust, he had endeavoured to manage it for the good of the Towne,

& desired if any were vnsatisfied with any of his actings, that they would declare it, that he might give them satisfaction but non objected.

Leiftenn^t Nash declared that he could not accept y^e place to w^{ch} he was now last chosen; who made this tender, that if he might be freed from his place in the Military businesse, he would accept the place of a Deputy, or if he might be freed from being a deputy he would hold his place in the Military employm^t, but to accept of both he could not for the reasons before given.

Many arguments were vsd by diverse of the Bre. & others, to perswade M^r Davenport & Leiftenn^t Nash to accept of the Trust to w^{ch} they were chosen, but they p^ruailed not.

Those in trust for the Triall of weights & measures were desired to attend to the businesse comitted to them, who were desired to appoint their time, & to give publique notice of it.

AT A GENERALL COURT HELD AT NEWHAVEN AUGUST YE FIRST 1661

The Orders of the Generall Jurisdiction Court were read to the Court.

John Cooper & James Bishop were chosen Deputies, for the General Court till October next be past.

The business of finishing y^e Schoole house was propounded, & it was agreed that Sarjeant Andrewes should be spoken to, to doe it speedily, & Roger Allen spoken to, to speake wth him about it. [346] It was propounded about Swine, & y^e law about vnruly Swine was read, & desired to be executed.

It was propounded by Roger Allen about M^r Streets house,* w^{ch} formerly was M^r Malbons, wth y^e Accomodations, as desired by them, that the Towne would allow her† 20^l, or to make them a well, though without a pump, as Jo. Cooper affirmed; the debate issued according to the Records, & nothing else was concluded.

AT A COURT HELD AT NEWHAVEN THE 6TH AUGUST 1661.

Abraham Dickerman enters an Action of Slaunder ag^t Tho. Wheadon, & informed against him, that he had reported, that he

* On the west side of State street, north of Court.

† Error for *them*.

coming to the Towne one night he heard a great noise in Abraham Dickermans house, & thought that there was some body in the house, & that he heard his wife say, I thinke you are madd, & what aile you, & I thinke the divell is in you.

Tho. Wheadon grants this noise, & such speeches of his wife, & y^t he saw Abram Dickerman come out of the house, & he apprehended he did cry.

It was told Tho. Wheadon that he spoke to Tho. Kimberly & his wife, that he thought they were fighting, & all the rest of the passages in the charge.

The wife of Tho. Kimberly was called who Testified y^t she heard him say y^t Goodwife Dickerman beat her husband, & made him goe out crying.

Tho. Wheadon said he thought it was so, & for y^e words w^{ch} Goodwife Dickerman spake, he said it was so and could take his oath of it, but it was told him he should not have reported it, but have told them of it.

Tho. Wheadon granted that it was euill in him, y^t he had thus carried in this businesse.

The Court considering the case, did by way of sentence declare that Tho. Wheadon (for raising an euill report of Goodwife Dickerman beating her husband, & makeing him goe out of doores crying, w^{ch} he could not proue, & they denyed) endeavour to repaire their Names, in making a publick acknowledgm^t of his evill in some Towne meeting or publick trayning day, & that he pay 20^s as a Fine to Abr^m Dickerman & the charges of the Action.

Tho. Johnson appeared for an administration in the behalf of Elizabeth Godman Estate, & also to give in security to be responsible for the Estate to any y^t here after shall lay a better claime, but nothing was done in this businesse but left with him to bring some body to ioyne with him, in security for the estate.

[347] AT A COURT HELD AT NEWHAVEN, THE FIRST OF OCTOBER
1661.

Jonathan Lampson wanting Armes, his father being warned to the Court appeared, who pleaded that he had endeavoured to get

Armes, but could not yet obtaine them; he was told that it was to be doubted y^t he had not vsed that dilligence to procure them as he ought, yet vpon his promise to vse further diligence in this matter, it was for y^e p^rsent past by.

David Atwater entered an Action against Edward Parker & declared that the said Edward Parker, & his wife, had (as he conceived) entertained Samuel Potter his servant.

The Indentures on both sides were shewed, read & compared, w^{ch} did not fully determine the Question. After much pleading by plaint. & defend^t, wherein they differed, at last they came to consent in this, that his time of service ended at 21 yeares of age, whose age could not now be cleared but was to be serched after. Edward Parker was blamed for entertaining Sam. Potter, not being able to proue that his time of service was ended, & Samuell Potter Ordered to return to his M^r, there to continue vntill the time for his freedom be cleared to satisfaction.

Roger Allen & James Bishop were appoynted to make an apprism^t of the estate of M^r John Wakeman wthin this Jurisdiction.

Leiftenn^t Nash & Thomas Trowbridg were desired to vse their endeavoures for the p^rserving & secureing of the estate left by Sargeant Tho. Jefferies deceased.

M^r Mathew Gilbert doth alienate for euer vnto William Bassett, 124 acres of vpland lyeing on the North west side of the East Riuer, betwixt the land of W^m Potter, with all buildings & fences therevpon, also 19 acres of Meadow in 2 parcells, 11 acres adioyning to y^e vpland, W^m Potter on the South, Allen Ball on the North, 8 acres bounded with a Creek on the East, W^m Bassetts meadow bought of W^m Potter on the West, a great Creek on y^e South, Allen Ball on the North.

M^r Mathew Gilbert passes ouer for euer vnto Richard Newman 58 acres of vpland, bounded with Rich Miles on y^e North, Christopher Todd on the South.

Samuel Andrewes, Goodwife Spinage, & James Eaton, being all warned to the Court appeared, who were charged that they had received young persons to their houses, & some of them at vnseasonable times, who there mispent their time by card-playing, w^{ch} tends to the corrupting of youth, w^{ch} practise of theirs was to the great offence of many, concerning w^{ch} they were now

called to give their answer, wherevpon [348] Samuëll Andrewes confessed it to be so & professed his hearty sorrow for the same, who also said that he had left it off, longe before it was publickly knowne. He was told, that it was matter of mourning, & the more frequent & vnseasonable the greater was the sinne, & y^t if there were not such houses to receive such persons such disorders might be p^rvented, w^{ch} was a sin against God as it was a mispence of precious time, a meanes tending to the corrupting of youth, & the divells meanes to turne off their hearts from the Trueths delivered, & a transgression of the Lawes of this Colony.

Goodwife Spinage was told, that it is also informed that her house is a place where yongue persons also play at Cards, & that shee herself is principally active in it, & y^t against y^e minde of her husband. To w^{ch} shee answered, by confessing that y^e schollers had there played at Cards, on y^e last days of the weeke in the afternoon, & on play dayes, but in y^e evenings neuer; she s^a that she did not then judg it to be a sinne, but she was now sorry that shee gave way to any such disorders.

James Eaton was also told, that he had also confest that there had beene Cardplaying at his house, w^{ch} he was wisht to consider off, as a great euill, to w^{ch} he answered that he had acknowledged that he might have spent his time better, & if it were to doe againe he would not doe it being it is judged vnlawfull & gives offence, but for the thing it self, vnless all recreation be vnlawfull, he cannot see that what he hath done is euill; he was told y^t besides what had been sajd before, that it is a thing of euill report contrary to that Rule Phil. 4 a worke of darknesse; the printed law concerning gameing, & y^t against disorderly meeting, also a law made in May 1660, were all read, & they were told that by those Lawes they might see the godly care of the Gouvern^t to p^ruent such like disorder, after w^{ch} the Court called vpon them to cons^{dr} of the Lawes read & their breache of them, & to repent of their euill in the sight of God; the Court told them that they saw they were differently guilty, according as things now appeare, yet they should suspend the fine in reference to all of them, hoping that this will be a warning to them, to take heed of such euill practises, & to improue their houses to better purposes for time to come then herein they have done.

AT A GEN. COURT HELD AT NEWHAVEN YE 7TH OCTOBER 1661

W^m Gibbard was chosen a deputy for Newhaven Court till May next.

The house wherein o^r late Gouverno^r lived, being freely resigned into the Townes hands, by o^r Reuerend Teacher M^r Street, it was left with the Townsmen to sell, lett, or repaire, buildings & fences in such manner as they judg meet, y^t damage both to y^e Towne & neighbours may be p^ruented.

[349] M^r William Jones* haveing had warning to attend y^e Trainings, M^r Gilbert from him informed the Towne, that he had not formerly been exercised in that way, nor could his body, by reason of some weakenesse well beare it, whervpon he was now freed from attending y^t exercise.

According to an Order made the 23th of Aprill 1660 the account of William Russell for the Treasury for the yeares 1659 & 1660, was in the more general summs of it read to the Towne, having been before Audited by the Comittee appointed for that purpose.

And that a more effectuall course might be taken for y^e recouery of certaine old debts dew to the Towne (a list of w^{ch} or the greater part of them, had long been in the hand of the Marshall to the end that distress might be taken where paym^t was not made) the Townsmen, wth M^r Tuttle, M^r Powell, & Christopher Todd were now chosen as a Comittee for this businesse: who have power to call the debto^{rs} before them, & to crosse out such debts w^{ch} they judg not capable to be recouered, & to remitt iust debts where they judg that mercy calls for it; what debts are acknowledged by the debto^{rs} to be dew, Roger Allen the p^rsent Treasurer is to take into his account, & for the remainder y^e said Comittee are to take the most effectuall course. that they may be recouered, that the Towne be not defrauded of their iust rights.

& for the better enabling the Treasurer for the carrying on the Townes occasions according to his place,

It was now Ordered, that one whole rate shalbe paid by euery man, according to his proportion, by the last of October instant.

George Pardee by reason of some bodily weakenesse being disabled for the worke of the Ferry, did (as was informed) desire the Towne to prouide another for y^t employm^t w^{ch} was left with y^e Townsmen to take care of.

* Governor Eaton's son-in-law, now 37 years of age.

THE EXAMINATION OF JOHN BROWNE BEFORE YE DEPUTY GOVERNOR
YE DEPUTYS PRESENT OCTOB. 21. 61

The deputy Governo^r* told John Browne that there was a complaint made concerning him that on y^e last day of y^e last weeke, he was seene drunke in y^e streets, concerning w^{ch} he was now to give his answer.

John Browne denied that it was so, & desired prooffe vpon oath, asking a reason why he was called to a private house, & not in publick; he was told that oath might bee taken in due time, but the thing now intended was, only examination, to find out the trueth: but not to pass sentence in y^e case, wherevpon

Samuel Whitehead testified that about two of y^e clock [350] on the last day of the weeke, as he came wth a load of wood by the prison Lott, he saw three men coming along y^e street by the Marshalls, like men that were drunk (& so he judged them to bee) reeling & staggering, pulling off one anothers hatts, acting as if they would wresle each with other, acting rather like children then men; when he came neare them, he found that it was John Browne, a stranger & the Boat swane; the two former he judged more distempred then the other.

Nathan Andrewes witnessed that he saw the s^d three men neare the Marshalls come along the street, staggering as he thought, pulling one another, Jo. Browne shakeing his head, & acting with his hands, so y^t he could not but judge y^t they were much distempered with drink, especially Jo. Brown & y^e stranger.

Eliasaph Preston testified that as he came from y^e prison from William Bladen, he saw these three men come, reeling & staggering along the street, so y^t two of them fell downe. But he judged John Browne the best of the three.

Mary Jordane, Servant to M^r Davenport, witnessed that her master, seeing three men coming in y^e street called her & bid her take notice of them, & shee observing them, first saw one of them fall downe, w^{ch} she tooke to be y^e boatswaine or y^e stranger, afterwards they all fell downe, w^{ch} last passage John Browne denied.

Jonathan Tuttle witnessed that he haveing businesse wth John Browne to give him an answer concerning a bargaine they had

* In May, 1661, William Leete became Governor, and Matthew Gilbert Deputy Governor.

in Treaty, as hee was going to his Lott he went into Jo. Brownes house, where he found the Boatswaine & one more wth John Browne drinking liquo^{rs}, but he saw but little they had, & that he then judged, that Jo. Thomas of Milford, who was one of them, had drunk more then he could well beare.

John Harriman testified that being at home, M^r Palmes and himself saw these three men before spoken of coming about the Meetinghouse, in such manner as troubled him, staggering, & pulling one another, who (soone after they were come into his house) were followed by the Marshall, who told them y^t M^r Davenport seeing their vncivill carriage, sent him to see who they were, vpon w^{ch} John Browne asked if M^r Davenport was a Magistrate; if it had been his son (s^d hee) hees a deputy. Jo. Harriman further said that he did look on as exceedingly distempered y^e Milford man most, John Browne next.

The deputy Gouverno^r told him that he heard what was testified by sundry y^t saw their postures & cariages, that was such y^t they judged they were drunk. It was demanded where they had their liquo^{rs}, & how much. Jo. Browne answered that the Boatswaine brought it to their house in a jugg, but how much it was he knew not. John Browne confessed that he spake vnreuerently of M^r Davenport as had been testified, but still denyed y^t he was drunk, carryig it with great height of spirit (as he was told) & not like a man [351] before authority, vnder Examination about such a Crime, to the great offence both of the Court & others that were p^rsent, for w^{ch} though hee was reprovued yet persisted in it.

Whilst some of the forementioned witnesses were speaking Francis Browne the father of John Browne comeing in discourered great distemper of sperrit, w^{ch} vented itself in many offensive speeches, for w^{ch} he was reprovued, & desired to withdraw, or to be silent, but he would doe neither, who was also warned to take heed that he hardened not his son in his sin, after w^{ch} the deputy Gouverno^r told John Brown that it was also reported that he was drunk on the night after Sabbath three weekes since, but he denied it, & both he & his father cal'd for prooffe. Francis Brown was told that his son was appointed to call Brother Alsupp vp that night, & asked why he did it not, & why he did not let him goe being sent for; to w^{ch} he answered,

because he judged him not fitt. It was demanded, wherefore was he not fitt, vpon which he confessed, that he judged that he had drunk too much.

After this Francis Browne vttered many contemptuous & reproachfull speeches against Authority, sayeing he knew the bottom of the businesse, but they should not stopp his mouth, as others had been stopped, asking by what authority his sonn was called thither, he knew no authority they had since the King was proclaimed,* nor would be obey any lawes vntill they came thence, & others were of the same minde, & that he cared not for what they could doe, often bidding y^e Court (or some of the members of it) to doe their worst, saying he & his sonne should be righted.

In conclusion, his cariage was so contemptuous & tumultuous that the Court could not proceed in the Examination of his sonn, w^{ch} was witnessed against by the Court, & others of y^e Brethren that were p^rsent, as a great offence to their consciences, after w^{ch} the deputy Gouverno^r told him that he could doe noe less then comitt him to Prison, but he peremptorily refused, but at last went out in a rage, & his son was going out wth him, who being called back by y^e deputy Gouverno^r, he turning his face towards him, asked whether he had his Authority from Charles the Seacond; wherevpon he was comitted to prison also; Order afterwards being given that Francis Browne (considering his age† & infirmity) should have liberty to lodg at the Marshalls house, w^{ch} he refused to accept off because his sonn had not the same favoure.

AT A MEETING OF THE COURT AT YE DEPUTY GOVERNORS OCTOB. 30.
1661.

M^r Samuell Wakeman & M^r Sam. Kitchell p^resented an Inven-
 Wakeman tory of the Estate of M^r John Wakeman (deceased
 taken y^e at Hartford) w^{ch} is left in this Jurisdiction,
 21th Octob amounting to 299^l, 17^s, 09^d, certaine debts therin
 1661 encluded due to the Estate from some at Stratford
 to the vallue of about 40^s. M^r Wakeman & M^r Kitchell both vpon

* Charles II. had been proclaimed in New Haven on August 22.

† About 51 years.

oath attested that therein was contained the whole estate of the deceased in this Jurisdiction according to their best light. Roger Allen & James Bishopp attested vpon oath to ye vallue of the goods appraised. M^r Wakeman & M^r Kitchell also p^rsenting the will of y^e deceased, w^{ch} was so attested by Martha Davis & Ellen Glouer, wherein they were appointed executo^r, to them, viz^t M^r Wakeman & M^r Kitchell, was granted power of Admistration.

[352] AT A COURT HELD AT NEWHAVEN THE 5TH OF NOUEMBER
1661.

John Browne appearing was told that he was now againe called to answere for the abuse of the Creature to drunkenes w^{ch} had beene testified by seuerall witnesses; he was desired to express what convictions he hath had of his great evill therein.

John Browne said he desired not that any witnesses should be called, for he was willing to confesse his sin therein, before God & his people, w^{ch} had been a great trouble to him, though not so much as he desired; he confessed that had thrice ouertaken with excessive drinking, once at the Manatoes, a second time was that night after the Lords day mentioned in his Examination, a third time in his owne house, for w^{ch} hee desired to be ashamed, & humbled before God, & that God would help him against it for time to come, & that hee might be kept from euill company, w^{ch} had been a snare to him; he was told that he should do well to avoyd evill company, but he should see that it came from an evill principle in his owne heart, for it was a sad thing that a man should be given vp to satisfy his lust, such a one will goe he knowes not whither, & returne he knoweth not when, and in him it was the worse being a married man, & the eldest son of a member of the church, & that after such instructions and warnings as he hath had, w^{ch} he was wished to consider of & to be serious in it; he was asked of whom he had y^e liquo^{rs} this last time; he said the Boatswaine brought some, besides w^{ch} they had a q^{rt} of John Winston; he was asked if hee had not some on shore the former time, & where, to which he answered, he had a dram w^{ch} he drank of a bottle of John Golds, at Joseph Benhams; he also confessed that he had been an entertainer of loose persons, &

y^t once M^r Raymonds sonne bringing cards to his house, they two with two more playd at Cards, & sundry others sate by, but who they were, he was not willing to declare, but promised a redresse.

The Court told John Browne that it did appeare that hee is guilty of great & grosse miscariages in this way of drunkenesse seuerall times, w^{ch} might call for sharp punishm^t, but having considered what they have now heard from him & how hee seemeth to be affected in some measure wth his euill, w^{ch} they desired that God would further carry on for the good of his soule, & in hope thereof they incline to so much favour that they Order that he shall onely pay 20^s fine. John Browne was advised to cease from such euill courses & company, & to remember the words of Christ, Sin no more, least a worse thing come vnto thee.

Tho. Kimberly informed the Court that he had paid vnto Philip Leek out of the estate of Jo Griffen (as ordered formerly by y^e Court) 14^s, who demands 9^s, 8^d, more, by virtue of y^e said Order, w^{ch} the Court now appoynted Tho. Kimberly to pay to Roger Allen y^e Treasurer vpon the acc^o of Philip Leeke towards y^e discharg of rates dew from him to y^e Towne, so that y^e estate of John Griffen is but 01^l, 05^s, 01^d.

[353] Philipp Leek, as by a note p^rsented the 3^d of December 61, dated the 4th of June 61, did then appeare, doth alienate a home lott bounded with y^e widdow Michell home lott on the one side, & with Edward Perkins on the other side, vnto John Jackson.

A Cirtificate concerning Caleb Horton of Southold, subscribed by John Youngs, Jo. Budd, Willm. Purrier* & Philemon Dickerson being read, & the contense thereof considered, the Court saw cause to remitt half of the fine of 40^s w^{ch} was Ordered by him to be paid the 5th of May 1660, as appeares page 322.

Vpon a Complaint made by M^r William Jones to y^e deputy Gouverno^r Nouember 7th 1661, John Lambert being warned appeared, who was charged by the s^d M^r Jones, that he had spoken words tending to his defamation, at the house of Goodman Kimberly Nouemb^r 3^d, the particulers whereof Tho. Kimberly now

* Or Perryer.

related, vizt: That John Lambert said that M^r Jones made two writeings, giveing one to John Wan, keeping the other himself, w^{ch} did not agree one wth the other. In the writeing y^t was delivered to Jo. Wan he was engaged to help M^r Jones, to help him to plow his land, & to mowe or reape his corne, to mowe his grasse & to help him home with the hay, to cutt his winter wood & to doe anything else w^{ch} M^r Jones should require him to doe, but there was no pay mentioned in y^e writeing w^{ch} writeing (he said) he had seene, & read as farr as he could, and that John Wan had shewed it to M^r Davenport who liked it not, & wisht him to goe with it to M^r Gilbert.

John Lambert now owned all that was witnessed by Thomas Kimberly, but withall said that he then thought he had ground so to speake, for he judged the thing to be true. To w^{ch} M^r Jones answered that the writeings were laid aside, as not to be made vse of, but by them it will appeare, that the things spoken by Jo. Lambert were false, w^{ch} being now read & compared were found in substance to agree, only this variation, whereas in the writeing subscribed by John Wann, it is said that the said Jo. Wan, if need require, shall once a yeare for 3 or 4 dayes help in cutting of wood, in the other thus, if need require, for 3 or 4 dayes or more.

John Lambert said that he was at M^r Jones his house when the writeing was delivered to John Wan, who told him that he was freed from all worke, after w^{ch} he read the former part of the writeing, y^t mentions y^e worke, but not y^t part w^{ch} speakes of the pay, wherevpon he told John Wan that he was engaged to worke, to w^{ch} he answered, that then M^r Jones had cuzzened him, & done no right. John Lambert profest his sorrow for the wrong he had done to M^r Jones, & said he was willing to give him satisfaction, but was told that he must answer it at the next Court, for whose appearance Joseph Burnham & Tho. Kimberly engaged in y^e some of 10^l.

[354] AT A COURT HELD AT NEWHAVEN THE 3D OF DECEMBER 1661

John Lambert being called to give answer to the businesse depending concerning the wrong done to M^r Jones specified in the foregoing examination; was desired to express what he had

to say by way of satisfaction for y^t miscariage wherevpon John Lambert expressed as followeth, that he was sorry for what he had done, & hoped that God had affected his heart with the euill that he was guilty off in this matter, but withall hee said that he then did looke vpon Jo. Wan as greatly wronged, takeing the matter as he related it, but he now saw his erro^r. John Lambert being asked what Comandem^t he had broken, he said the third Comandem^t; he was told that he spake ignorantly, & not as one affected wth his sin; he was wisht to deale cinserely, & take heed of deceit in makeing a shew of sorrow when he is to seeke of y^e rule that he hath broken.

M^r Jones informed the Court, that John Lambert had been with him, & that the end of his coming (as he supposed) was to desire him to be as spareing as he could in y^e prosecution of this matter ag^t him, who then confessed that he had done him wrong; he told him that it was no pleasure to him to bring men into trouble, but he looked vpon it as his bounden duty to vindicate his name w^{ch} was next to his life. M^r Jones declared that he would leave it to y^e Court, but in Jo. Lamberts behalf propounded, if the Court saw fitt, that he might have a little more time given him, to see if God may convince him of his euill in this matter, to w^{ch} y^e Court consented, & respitted the matter till y^e next Court, advising Jo. Lambert to be very serious in makeing his peace with God, that he may be in y^e better capacity to give satisfaction vnto men.

A writeing was p^rsented as the will of Robert Johnson late of Newhaven, deceased, wanting both due forme and date, w^{ch} was vpon oath attested by Will. Bradely & Christopher Tod, to be made about the 31th of October last, & that therein was contained the will of y^e deceased concerning the disposall of his Estate, with this explanation, that they conceived that Thomas Johnson was not to divide the Estate, as the writeing may seeme to import, & that the thirds belonging to the widdow was first to be sett out before the 20^l be sett a part for Tho. Johnson, to w^{ch} he now assented. Will Bradely & Christopher Tod were now by the Court appointed to supply y^e place of Ouerseers, & to make y^e diuision according to the will of the Testato^r, affording their help for the issuing of any question that may arise betwixt them.

Also a Inventory of y^e estate of Robert Johnson made the 26 of Nouember 1661, was p^rsented, amounting to 366^l 17^s 01^d,

Attested vpon oath by y^e widdow Adlin Johnson to contain y^e whole estate of her late husband to the vallue of 10^s, to y^e best of her knowledg. W^m Bradely & Christopher Tod affirmed vpon oath y^t the vallue was iust, according to their best light.

[355] A writeing was p^rsented by Leiftenn^t John Nash as the last will & Testam^t of Sargeant Tho. Jefferies late of Newhaven deceased, but being ill penn'd & spell'd was found very difficult to be read, also it wanting both due forme & date could not be legally proued, yet being written & subscribed (as was conceived) with his owne hand, & being vpon oath attested by Leiftenn^t John Nash to containe the last will of y^e deceased (to the best of his knowledg) according to y^e true meaning of it, w^{ch} he in a writeing deliuered in (w^{ch} is to be found in the Book of Wills & Inventories) is by him expressed, It was Ordered that accordingly the Estate of y^e deceased shall be disposed off.

THE EXAMINATION OF RICHARD MATTICKS & MARY HITCHCOCK,
BEFORE THE DFPUTY GOVERNOR, CONCERNING A CRIME
WHEREOF THEY WERE SUSPECTED TO BE GUILTY,
DECEMBR 7, 61.

Richard Matticks being first called was told by y^e deputy Governo^r that he had heard of a great wickednesse by him committed with Mary Hitchcock, concerning w^{ch} he was now called to give his answere; he being warned to speak y^e Trueth, was told that if he shall hide or couer it, It will encrease both his sin & punishm^t, & therefore wisht to confess his sinne & give glory to God, & to rember what Soloman sayes, he that hideth his sin shall not prosper; wherevpon in answere to sundry Questions put to him Richard Matticks confessed, that he had committed Fornication with Mary Hitchcock, he thought 6 or 7 times, but whether more then 6 or 7 times he knew not. The first time (he said) was a little after she came to his master, after harvest, afterwards he said he thought it was in June, or May, w^{ch} began thus, his m^r & m^{rs} being gon to Bedd they two being together in the kitchen in y^e darke, Mary told him, that he looked like a wenching Fellow, saying come, shall we goe to Bedd. As she went out of the kitchen hee, (to try her) asked her, if he should goe to Bedd with her. To w^{ch} she said, yea, wherevpon he fol-

lowed her vp, & standing in the chamber she asked him to come into her Bedd, he giveing no answere shee againe said, why doe you not come into the Bed, shee should fall asleep; then he went into the Bed, & there had the vse of her body. But she was the first mouer, for hee had no affection to her, till she spake those words, you looke like a wenching Fellow. But after the first time, he confessed the fault was his, more then hers, though shee left open the doore, & said nothing against it when he came to her, & to such an end Richard further said that the last time he had the vse of her body, was before Martha the other mayd came to the house, & not since, but withall confessed that about a moneth agoe he went into the chamber, & to such an end, but could doe nothing, the other mayd being in Bedd with her. Richard further said that he had oft asked her whether she was with child, but had no answere; he had also asked her whether shee would marry wth him, to w^{ch} she said, that her first husband was to be a tall man, & her second a low man, but what her meaning was he knew not but promise of marriage to him she hath made non. Richard was minded of his former miscariages in another [356] kinde, & of the hainousnes of this into w^{ch} he had falne, & was minded of what the Apostle saith, that no Fornicato^r &c shall enter into the kingdom of God.

Mary Hitchcock being called was told by y^e deputy Gouverno^r that he was much greived that he had cause to call her to examination about such a horrible fact as she stood accused of, that a child of the Church that hath so long lived vnder such meanes, & that had such instructions, as she hath had, should so miscarry; she was minded of a former miscariage of hers, in a way of Theft, for w^{ch} she was corrected by her Father, & told it is a signe that she neuer repented of that, being left to fall into so great an ivell as this concerning w^{ch} she was now called to give her answere; shee was advised to speake the trueth about this matter, concerning her wickedness with this Fellow in their masters Family. Wherevpon shee confessed, that shee had committed Fornication with Rich. Matticks, how oft she could not iustly tell, she thought it was about 3 or 4 times, the first time about 6 moneths since, the last about 4 moneths since (as she thought) w^{ch} she said began thus; Rich. & shee being in the kitchen together, she said to him, Come shall wee goe to Bedd; haveing

so said, she went into her chamber, & shut the doore close, being in bed & couered vp close he coming to the doore, she asked him what he did there; afterwards coming to y^e bed side, she againe asked him what he did there; he answered that she said Come let vs goe to bed; she told him she did not bid him come to bed there, but to his owne bedd, & therefore bid him be gon, vpon w^{ch} he went away.

But Richard now said that those passages were not the first time, but afterwards, when he had been with her once, or twice, but the first time nothing was spoken by her to discourage him but the contrary. But she still affirmed that it was the first time. Mary was told y^t shee seemeth to be the first mouer to this wickednes, like her mentioned in the Prouerbs: Mary confessed that she might say in Jest, you looke like a wenching fellow, but that she was the first mouer to this fact she denied; she was told that she was greatly guilty in this matter, that she would leave the doore open, & speake such words as enflame his lust, who had (as he sayes) no affection to her before, & when he cometh theres no opposition, when she might have cryed out & cald her master, but he can come a first, a second, a third time, & she is willing to it, & seemes to be the first Tempter to it, & y^t against awakening warnings, w^{ch} they had from their master (as she had confessed) to watch against such euills. Mary was asked why she did not lock her chamber doore, to w^{ch} she answered that they sometimes sitting vp later then her M^r & M^{rs} was willing to, she thought it would bee thereby discouered, had she locke't the doore; the same [357] Reason she gave, why, at another time, shee made choyce to lie in the Garrett, when her M^{rs} rather desired that shee should lodg in a Roome within them. M^r Jones told her that shee had given this for the reason, that shee knew not that the doore could be locked; she was asked why Edward Needles frequented the house; she said that hee had made a Motion of Marriage but there was no engagement on her part; she also confessed that she thought shee was quick with child, & that she had Temptations sometimes to make away her self, at other times to make away the child. Both w^{ch} she was seriously warned to take heed off, least she bring misery on her self to Eternity.

AT A COURT HELD AT NEWHAVEN JANUARY 7TH 1661.

Nathaniel Street* pl^t } The plaint. entred an Action of debt &
 Jacob Moline defend^t } damage against the defend^t to the vallue
 of 20^l for breach of an agreem^t concerning part of a vessell
 called the Adventure, w^{ch} vessell was by the plaint. sould & deli-
 uered to the defend^t, who had not made paym^t according to
 engagem^t; the agreem^t was p^rsented, read & owned by y^e defend^t,
 w^{ch} is as followeth:

Know all men by these p^rsents that It is agreed betweene M^r
 Nathaniel Street the one party, and M^r Jacob Moline on the other
 party, about the Copartnership of a vessell betweene them, that
 the s^d vessell cald the Adventure, shall make from hence with y^e
 s^d M^r Moline & Comp. a voyage to long Island & New London
 & for the said voyage y^e s^d M^r Moline is to allow the afores^d M^r
 Street for his half part freight of y^e vessell fourty shillings, & to
 returne here againe, and that then y^e s^d M^r Nathaniel Street hath
 his liberty to take the s^d vessell wholly to him self, paying vnto
 the afores^d M^r Moline or his Order, the full some of fiftene
 pound Sterling in good current Country pay, deducting the
 aboues^d 40^s freight for the last voyage, to doe as aboues^d vpon
 ioynt adventure. But if the s^d M^r Nathaniel Street will leave the
 whole vessell vnto the s^d M^r Moline or his Order, then y^e s^d M^r
 Moline is to pay vnto y^e s^d M^r Street for his half share likewise
 fiftene pound Sterling in good current Country pay, w^{ch} paym^t
 is to be done the next ensuing killinge time at Newhaven. And
 thus have both parties consented to part one from another in
 Freindshipp & have thus enterchangably subscribed with their
 owne handwriteing this 29th of July, 1661, at Newhaven, the
 time of paym^t to be vund^rstood next in October or Nouemb^r the
 20th day thereof at furthest.

Augustine Herman

Jacob Moline
 Nath: Street

The defend^t was asked why the debt was not paid according
 to this agreem^t, to w^{ch} he answered, he would have paid it, had
 not the plaint. brought him to y^e Court, [358] but now he
 expected that the pl. should proue that he had sould him the
 vessell, for he looked vpon it, as much y^e plaint^s vessell as his,
 but that the vessell was by the agreem^t now belonging to the

* His relationship to the Rev. Nicholas Street is unknown; from the
 date of this transaction he might be either a brother or a son.

defend^t he pleaded that he had made vse of the vessell to the Manatoes without his Order, & had tend^{re}d a Bill of sale prouided the defend^t would have given him a bill for the paym^t of the money, who also p^rsented this following testimony :

John Benham & Samuell Street vpon oath Testify y^t M^r Nathaniell Street desired Jacob Moline to make an end of his business in refference to the vessell, & to sett his hand to the Bill for the paym^t of the money according as it was expressed in the agreem^t in y^e same kind & way, but Jacob Moline denyed to set his hand to the Bill. Also M^r Nathaniel Street said to him, hee would stand to no damage the vessell should come to after this time.

This Testimony was taken
before mee Math. Gilbert

The defend^t pleaded that the plaint. had given no Bill of Sale, wthout w^{ch} the Bargaine was voyd; he was told that the agreem^t doth not binde him therevnto, but the vessell was delivered, & pay was tendred, & a voyage made, without the pl. Order, vpon w^{ch} & that w^{ch} before hath beene proued, It was Ordered that Jacob Murline shall pay 15^l in currant Country pay, with the charges of y^e Court; after w^{ch} Jacob Moline engaged to pay to M^r Nath. Street 15^l in beife or porke, wheat or pease by the middle of March next, w^{ch} M^r Street accepted.

Richard Hull doth Alienate vnto John Brackitt his whole right of vpland & Meadow on the East side w^{ch} was passed ouer to him by Robert Talmadg Aprill 3^d 1660, except a parcell of Meadow below a sandy Beach adioyning to a peice of Meadow belonging to John Harriman on y^e South.

An Inventory of the Estate of Sargeant Tho. Jefferies late of Newhaven deceased, taken December 2^d, 1661, was p^rsented, amounting to 152^l, 7^s, 3^d, besides an ax & an old saw, w^{ch} were not summed, vnto w^{ch} add, debts dew to the estate 56^l, 18^s, 0^d, among w^{ch} a debt of 20^l from Samuel Andrews is vnd^r some question, & besides w^{ch} certaine debts from Jo. Finch, Peter Disbrow, & Jer. Hull, are to be added when cleared, & debts claimed from the estate amounting to 55^l, 03^s, 09^d, if found due, besides a small debt to Edw. Perkins, are to be deducted. Katherine Roysterne vpon oath attested that she had given information of the whole estate in y^e house to y^e best of her knowledg. Leiftenn^t Nash, William Peck, & Roger Allen vpon oath Attested that in y^e said Inventory was contained the whole estate of the deceased

to the vallew of 6^d to the best of their knowledg, & that the apprisem^t was iust according to their best light. Leiftenn^t John Nash and M^r Thomas Trowbridg were desired by the Court to vse their best endeavours to preserve the said Estate from damage, who were Authorised as Admistrato^{rs} to gather in y^e debts due to the Estate, & to pay all iust debts w^{ch} they finde due from y^e estate & to Order the paym^t & distribution of the remainder according to the will of the deceased as it is declared in [359] a writeing p^rsented December 3^d 1661, as his last will & Testament, w^{ch} Administrato^{rs} are to give in their acc^o to the Court, when called therevnto, who are to have iust recompence out of the estate for what paines they shall take in this businesse.

James Eaton vncalled declared vnto the Court, that he vnderstood that there were reports abroad of his miscarriage in suffering some young persons to be at his house at an vnseasonable time, w^{ch} report he acknowledged to be true, & professed his hearty sorrow for it, & his desire to see the euill of it more & more, & that God would help him for time to come, to keep a conscience voyd of offence towards God & towards men; he confessed he had exposed himself to punishm^t, but desired y^e Court to passe it by. He was told that the thing was iustly offensive, but in hope that God had affected his heart with his euill & y^t he would be an example of reformation to others, what he had desired of the Court was granted.

James Eaton doth alienate vnto Edward Dormer, 15 acres of vpland lying towards the further end of y^e Yorkesheire quarter, bounded with the fence on the North, y^e reare fence on the South, Edward Perkins on the East, James Eaton on y^e West.

Edward Dormer doth Alienate 10 Acres of the land aboues^d next vnto Edward Perkins vnto Samuell Hodgkins, & five Acres next to James Eaton vnto Edward Parker.

An Inventory of the Estate of William Bladen late of New Haven deceased was p^rsented, & vpon Oath Attested by Roger Allen & W^m Paine, to be a true Inventory, & a iust apprisem^t to the best of their light & knowledg, w^{ch} vpon perusall being found defective, was returned to be perfected.

An Inventory of the estate of John Benham late of New haven deceased was by the widdow of the deceased p^rsented & by her vpon oath Attested to be a full Inventory of y^e estate to the

best of her knowledg, (an old bason afterwards found excepted). Tho. Munson & John Hariman vpon oath attested to the vallew y^t it was iust according to their best light, but it being found that part of a house & land was not entered, it was returned to be perfected.

W^m Trowbridg haveing been fined 5^l (some time since) for selling liquors to Indian^s, came to the Court desiring favour, who aleadged by way of excuse that the liquo^rs were sould by his wife when he was not at home, & pleaded his inability to pay it, & his ignorance of the law in y^t case; he was told, that if he be not able to pay, he should be the more carefull not to transgress, & y^t the Law was published that he might have knowne it. Neuertheless y^e Court so far enclined to favoure y^t they abated half of the fine, & W^m Trowbridg was told that the other half (considering his estate is low) shall not at p^rsent be required.

[360] John Lambert being called was told that it appeared y^e last Court y^t he spake as one not affected with his sin that he stood guilty off, in refference to M^r Jones whom he had wronged; he was desired to express what he had further to say in y^e case, wherevpon he confessed that he had wronged M^r Jones & therein had broken the 5th & 9th Commandm^t, & had not attended that Rule, w^{ch} requires him to honoure all men; he was told that he hath been much given to falshood in speech & slaundering, & that it was not words y^t God would accept, vnless there be sorrow of heart, & reformation of such euills. John Lambert was desired as a prooffe of his repentance, to declare whether (since y^e last Court) he hath not slaundered some other, to w^{ch} he answered that Zach. How told him y^t M^r Wakeman & M^r Kitchell had seized vpon the estate of Roger Allen for debt, & they conjectured that it was for a debt he owed M^r Wakeman euer since he came out of England; he now confessed that he had spoke of this thing to W^m Wooden, but afterwards vnderstanding it was a mistake, he told Zach. How that what he had told him concerning Roger Allen was false & Zach How owned that he had so told him, w^{ch} he said Tho. Kimberly could testify, wherevpon he was desired to fetch Tho. Kimberly y^t the Court might vnd^rstand what he could say in the case. Tho. Kimberly being come did testify that John Lambert at his house told Zachariah How that the thing he told him concerning Roger Allen was false, & y^t Zach.

How did not deny that he had so spoken to him. John Lambert affirmed that his conscience tells him y^t he spake no more in this matter then Zach. How told him, but whether it were true or false he then knew not, but afterwards confessed that he also spake to W^m Wooden of a somme of 2 or 300^l for w^{ch}, this seizure was made, wherevpon he was told that this matter lookes like his former miscarriages, therefore it must be further serched into that the trueth may appeare, w^{ch} with his other miscariages he must answere the next Court.

John Tompson Jun. not being returned from England, his wife & Samuel Hitchcock being sent for, she was told that the time of Samuel Hitchcocks remaining wth her Ordered March y^e 6th 1659, was long since expired; the record was read, & y^e Court declared, that the Couenant concerning Samuells Hitchcock was not performed, in that he was not taught to write & read as he ought, nor could the other part concerning Navigation be performed whilst hee stayes wth her, & therefore It was now Ordered, y^t vpon the second day of the next weeke, Samuel Hitchcock shall by the Marshall be taken away from the wife of John Tompson & delivered to John Cooper who is to take y^e care of him, y^t he be settled in some Family where he may bee well governed & educated for some time, w^{ch} shall not exceed the age of one & twenty yeares.

[361] AT A GENERALL COURT HELD AT NEWHAUEN JANUARY
20TH 61

At the desire of the deputy Gouverno^r, Roger Allen y^e Treasurer in the name of the Committee appointed October 7th 1661 for the gathering in of the Old debts dew to the Towne declared that the said Committee had mett sundry times about y^t businesse & had cleared about 12^l or 14^l w^{ch} he hath added to his account; he also informed y^t if all the debts were received w^{ch} are like to be recouered, yet the Towne would still be in debt 50^l; he therefore propounded that more Rates might bee leuied, that Righteousnes might be attended. It was also propounded that the Townes house lately M^r Kitchells with y^e accomodations might be put to Sale, that leuying of New Rates might at this

time be p^ruented, to which the Towne agreed, & accordingly the Townsmen, wth M^r Tuttle, M^r Powell, & Christopher Todd, were as a Committee Authorised to sell the said house, so as they conceive may be most for y^e Townes advantage. But if no chapman* appeare, the Towne is to meet about a fortnight hence to leuy more rates, that the Townes engagem^{ts} may be answered.

Leiftenn^t Nash informed the Towne of the straitnes of his yard, and desired for enlargm^t a railes length of the lott adioyning, w^{ch} was sometime M^r Malbons, for w^{ch} he tendred a valuable consideration, vpon w^{ch} motion & information the Towne freely gave to Leiftenn^t Nash 12 foot in breadth of the said lott adioyning, throughout, prouided that it reach not the apple trees & that he take his part of the fence, of that end next his yard, w^{ch} he promised to doe, & returned thanks to the Towne for their loue to him in this grant.

The Deputy Gouverno^r, wth the Deputies of the Court, and Deacons were appointed as a Committee to seat people in the Meeting house.

It was left with the Townsmen to lett out the Oyster Shell feild for so long time as they shall judg meet.

John Chidsea was chosen Sealer of leather, & sworne.

AT A COURT HELD AT NEWHAVEN THE 4TH OF FEBR. 1661.

Richard Matticks servant to M^r Jones & Mary Hitchcock being warned to the Court both appeared, & Richard was told that hee was called to answere for a horrible wickednes comitted by him in his masters house with Mary Hitchcock; he was bid to declare the occasion of it, & how this wickednesse first wrought in his heart. To w^{ch} he answered that she was the first occasion of it, in saying hee looked like a wenching Fellow. It was demanded what further speech they had, to w^{ch} he said that they two being together one night in the kitchen, she asked him, if they should go to bed, wherevpon he asked her if he should goe to Bedd with her, & she said yea; shee going vp he followed her to the topp of the staires, & stood there a pretty [362] while, not knowing

* Purchaser.

whether he had best to goe in or not; he standing there she bid him come in, saying she should be asleep; the doore being open as it was wont to be, he went into the Chamber, & into her bed, & had the vse of her body. But after y^e first time (for he had the vse of her body 6 or 7 times) the fault was his, more then hers, because he went to her, but she was also forward enough & did not resist him.

Mary Hitchcock being called, was told that it was an affliction to the Court that they had occasion to call her to answer for such wickednes with this Fellow, who affirmeth that shee was the occasion of it, in saying he looked like a wenching Fellow; that she was guilty & active to this wickednesse shee had owned; she was bid to declare the occasion & manner of it, & wisht to attend to trueth, & to remember that y^e eye of God was vpon her. Mary owned that she spake those words but not then, but that she so spake the last winter, but Matticks now affirmed that the words were then spoken. Mary further said, that the first night, her Master having bid them goe to bed, & Richard makeing no hast, she went vp, & Richard following her, & standing at the topp of the staires, she asked him, what he did there, & bid him be gone: vpon w^{ch} he went away, & that the second time he came, she spake to the same purpose, withall adding if he would not be gone she would tell her Master, who therevpon went away, but the third Night she being asleep, he came into her bed, & awaked her, & being there (she confessed) she willingly received him, who then had the vse of her body, w^{ch} was she supposed in the latter end of June, & the like wickednesse she committed with him before June was quite out; she denied that she was guilty of the same with any other, nor wth him any more then twice; the Examination was read, & she was told that what she saith now agreeth not with what she said formerly; she then spake of three or foure times, now onely of twice, then two moneths betwixt the first & the last time, now she seemes to say they were both in a weeke; she was told y^t it is reported that she hath denied something in y^e Examination, to w^{ch} she answered that that w^{ch} is said of three or foure times is not so; wherevpon it was demanded whether y^e erro^r was in the writeing or in her speaking, to w^{ch} she said, It was in her speaking. Mary was told that her fault was greatly agrauated, that she haveing

beene tempted once or twice, y^t she would neither tell her Master, nor locke y^e doore, but he can come a first & a second time, & theres no resistance, but the doore stands open, as if she were a common Harlot. She was asked if she was willing to mary Rich. Matticks; she s^d she was not willing; they were told that by their wickedness they had made themselves one flesh & so vnfit for any other; the Printed law concerning Fornication was read, & they were told that by the law they are to be punished, either by enioyning marriage or fines or Corporall punishm^t, any or all, as most agreeable to y^e Word of God; the Sentence of the Court was that Rich. Mattocks shall now be seuerely whipt, for his sinfull folly, & y^t Mary Hitchcock shall also be whipt when she may be fit to receive that punishment; that other part concerning Marriage the Court declared, that they would take into further consideration.

[363] John Lambert appearing (as it was Ordered y^e last Court) was told that he had beene long vnder Offence with the Court, first when he lived in the Family of M^r Kitchell, for w^{ch} the Court Ordered that he should be whipped, but the Execution was respitted in hope of reformation, but instead thereof he hath since slaundered M^r Jones, & since that Roger Allen; he was asked what he had done for the clearing of that concerning Roger Allen, to w^{ch} he answered that he hath spoken with Zach. How about it, who denyes it not, but hath forgotten it; he was asked what it was he spake to William Wooden concerning Roger Allen, to w^{ch} he answered that he told him y^t Roger Allen was in debt to M^r Wakeman 2 or 300^l euer since hee came out of England, & that they had seized vpon his estate for it; he was told that this was a great Slaunder, being against a publick officer, a Treasurer, & tended to disable him in his place; he was againe minded of his slaundring M^r Jones, & was told that these actions of his are like to those towards M^r Kitchell. John Lambert owned his euill, & said he hoped that he should not doe the like againe; he was told that he hath gon on in a Tract of telling lyes & stories, & vttering slaund^{rs} as one that neither feared the displeasure of God, nor punishm^{ts} from men, & when he is questioned for these things, he carryes it in a way of hipocresy & discimulation, but no reformation, but the like things, renewed & reiterated, as one left of God to such Wickednesse, wherevpon the

Court Ordered that y^e Sentence of Court, January 3, 1659, concerning John Lambert be executed, viz. that he be punished by whipping.

Francis Browne Guardian to Hannah Walker Informed that y^e estate of John Benham deceased or Joseph Benham his sonne was debto^r to the estate of John Walker, concerning which he desired the help of the Court, wherevpon the Records of Febr. 4th, 1659, were read, & thereby it appeared that John Benham & Joseph his sonne had engaged ioyntly & seuerally for the paym^t of 6^l, 3^s, 6^d, to the s^d estate at or before October then next ensuing. Joseph was told that his father being dead he must answere the debt, to w^{ch} he replied that part of it was for an Ox bought by his Father, w^{ch} is Inventoried as part of that estate. Joseph Benham p^rsented an account of 3^l, 15^s, 6^d, paid vpon that account, but his booke being sent for & brought, thereby it appeared in y^e same page, that 26^s was then received back, w^{ch} being taken out of 3^l, 15^s, 6^d, there remained to be deducted out of the debt of 6^l, 3^s, 6^d, but 2^l, 09^s, 6^d, so that the estate of John Walker is Creditour 3^l, 14^s, 0^d, w^{ch} Joseph Benham was Ordered to pay to Francis Browne, guardian to Hannah Walker; What Joseph Benham hath to say why the estate of his deceased Father should be liable to answere any part of this debt was left to further consideration & heareing. In behalf of Joseph Benham Francis Browne testified that in March last he demanded this debt of John Benham, who denyed it not, but promised paym^t as soone as he could.

An Inventory of the Estate of Will. Bladen deceased, was againe p^rsented, taken January 3, 1661, amounting to 3^l, 0^s, 4^d, out of w^{ch} 6^s being deducted for Fees of Court their rests 2. 14. 4^d w^{ch} was comitted to the Treasurer, vntill due claime be made. Roger Allen & W^m Paine vpon the oath formerly taken attested y^t it was a true Inventory & iust apprizem^t according to their best light & knowledge.

[364] AT A MEETING OF THE COURT AT THE DEPUTY GOUERNORS
JAN. 13TH, 1661,

appointed for the issuing & settleing the businesse concerning the portions remaining dew to some of the children of Captaine Nathaniel Turner deceased, the Records being searched, thereby

it did appeare, that M^r Sam. Goodenhouse who had married the widdow of the deceased, had given security the 5th of March, 1649, for the paym^t of 188^l, 00^s 10^d, vnto Nathaniell, Isaac, Abigaile, & Hannah Turner, w^{ch} being divided into 5 parts did amount to 37^l, 12^s, 2^d, each part, of w^{ch} two fifts belonging to Nathaniell the eldest sonne did amount to 75^l, 4^s, 4^d; the s^d Nathaniell being deceased, the Court did now judg that it should be divided betwixt his Brother & 4 Sisters, in equall proportions, w^{ch} is 15^l, 00^s, 10^d, each part. M^r Yale, M^r Hudson, & Hannah Turner, resigned their parts to their Brother Isaac, w^{ch} wth his owne share being added to his owne portion of 37^l, 12^s, 2^d, doth amount to 97^l, 15^s, 6^d, but Tho. Meekes declared that he expected to receive what was his due out of the estate of his deceased Brother in Law, for the discharge of what was due to Isaac Turner; M^r Goodenhouse tendered in part of paym^t half the farme, vpland & meadow, wth buildings & fences (w^{ch} fences he engaged to set in Tennantable repaire,) at 55^l, w^{ch} Isaac accepted who also acknowledged the receipt of a Cow at 4^l, 10^s, & a paire of shears at 11^l. But concerning the farme, It was agreed betwixt M^r Goodenhouse & Isaac Turner that if any difference arise betwixt them concerning the house & Barne, y^e party greived at two yeares end from this time, makeing tender of a price for the whole, w^{ch} he will either give, or take, it shall be accepted.

At this Court, M^r Hudson & M^r Yale acknowledged that they had received of M^r Goodenhouse the full portions due to their wiues respectively out of the Estate of their deceased Father. M^r Hudson in the name of Hannah Turner declared that she had received a considerable part of her portion; for what remains she would take M^r Goodenhouses word, who desired that any part of M^r Goodenhouses estate w^{ch} formerly was vnd^r engagm^t for the paym^t of it, might now be set free, & to the same purpose did Isaac Turner declare for himself. John Cooper & James Bishopp were appoynted to make y^e division of the farme aboue mentioned.

An Order of the Court, February 5th, 1660, for the laying out the vpland belonging to the Farmes of M^r Goodenhouse & David Atwater was read, & the thing not being done, It was Ordered, that they shall at their owne charge procure a Surveyo^r, & lay out the said lands before y^e first of Aprill next.

[365] AT A GENERALL COURT HELD AT NEWHAUEN, FEB. 10TH, 61.

John Cooper in the Name of the Comittee appointed Jan. 20, 61, declared that they had Sould the Townes house, w^{ch} was lately M^r Kitchells, with all the accomodations therevnto belonging vnto Tho. Munson at the price of 105^l, of w^{ch} 50^l is to be p^rsently paid, 10^l more some time within y^e yeare 1662; the other 45^l somtime within the yeare 1663; w^{ch} payments are to be made in current Country pay, at the same rate, & in the same pay, as was last Ordered for paym^t of rates by the Jurisdiction General Court; for performance whereof hee is to give his Bond.

James Bishopp was chosen Sargeant.

John Chidsea was chosen Corporall.

Tho. Lampson was chosen Cryer.

Hen. Lines propounded for a peice of land to set a house vpon, on this side the Bridg Swomp, towards y^e iron worke, w^{ch} was Ordered to be veiued by W^m Andrewes, Jo. Cowper & Mathew Moulthropp, & reported to the Towne.

Benjamin Wilmott Senio^r desired that his land neare the west rock, might be Alienated to him, who (for the spareing of fence) propounded for a small peice of land adioyning to his, but it not being well vnderstood, It was referred to the view of Sam. Whitehead, Timothy Ford, Isaac Beacher, or any two of them, of w^{ch} view they are to make their report.

Vpon an information & complaint made by y^e millitary Officers that attendance was not given by sundry for y^e Viewing of Armes, it is Ordered, that whosoeuer vpon due warning shall refuse or neglect to shew their Armes at the time & place appoynted by the Military Officers, he shall pay the fine of 2^s, 6^d, for euery such default.

Abraham Dickerman chosen veiwer of little Quarter till next choyce.

The Comittee appointed Jan 20, 1661, to seat people in ye Meeting house declared to the Towne what they had done in that business w^{ch} was read, & is as followeth.

In the long Seates for Men,

- 1, M^r Gilbert with such other as may be called to Magistracy.
- 2, M^r Jones, M^r John Davenport, M^r Yale, William Gibbard.
- 3, M^r Goodenhouse, M^r Tuttle, William Judson, John Gibbs, Leiftenn^t Nash.

4, M^r Hudson, William Andrewes, John Cooper, Roger Allen, James Bishopp.

5, Will. Tompson, Will. Potter, Math. Moulthropp, Christoph. Tod, W^m Bradly, John Harriman.

6, Hen. Glouer, Nicho. Elsy, John Moss, John Tompson, John Brockitt, John Winston, Thomas Meekes.

7, Jer. How, Nath. Merriman, Tho. Barnes, Geo. Smith, Timothy Ford, Ralph Lynes, W^m Gibbins.

8, Robert Hill, W^m Meaker, Ephr. How, Tho. Harrison, Math. Row, John Johnson, Joseph Mansfeild.

9, Edw. Parker, Tho. Lampson, W^m Trowbridg, John Allen, Edward Preston.

In the short seates at the vpper end,

1, M^r Rudderford, M^r Moline, John Punderson, Daud Atwater.

2, M^r Feild, M^r Auger, M^r Nathaniel Street, Ensigne Munson.

3, Sargeant Whitehead, Sargeant Russell, Joseph Alsupp, John Chidsea.

4, Tho. Trowbridge, Thomas Johnson, Jeremiah Osburne, Allen Ball.

In the long seat next the wall, John Gilbert, Geo. Pardee, W^m Holt.

In the little seate, Tho. Kimberly, James Russell.

Before this seate, Hen. Gibbins, William Bassett.

[366] In the side seates, aboue the doore,

1, Tho. Powell, William Paine, James Clarke, Abraham Dowlittle.

2, Mathias Hitchcock, Andrew Low, Benj. Wilmot, John Thomas, Humph. Spining.

3, Edward Pattisson, John Tuttle, Tho. Tuttle, Rich. Sperry.

4, John Sackitt, Sam. Marsh, Peter Mallery, Robert Foot.

Below the doore,

1, John Potter, Abrah. Dickerman, Isaac Beacher, Tho. Kimberly Jun.

2, Jonath. Tuttle, James Eaton, John Clarke, Isaac Turner.

3, John Benham, Geo. Ross, Martine Titchnell, Philip Leeke.

4, Anthony Elcote, Joseph Benham, Rich. Newman, Joseph Potter.

5, Henry Morrell, Sam. Hodgkins, John Browne, William Pringle.

Against the Soldiers Seates.

1, Sam. Blacksely, Will^m Wooden, Hen. Hummerston, W^m Wilmot.

2, Ellis Mew, John Brooks, John Osbill, James Denison.

3, W^m Chatterton, John Wan.

Before the Gouverno^{rs} Seate,

Tho. Wheeler, W^m Tharp, Rich. Hull, Francis Browne.

Before Deacon Miles his Seate,

Jer. Whitnell, Tho. Morris, Richard Johnson; on y^e steps, John Jackson.

Before M^r Rudderfords Seate,

Hen. Bristow, John Hall, Tho. Beamont, Hen. Lines.

Before the Pillar,

Jeremiah Hull, Edward Perkins.

In the long Seates for weomen

1, M^{rs} Goodyeare, M^{rs} Gilbert.

2, M^{rs} Gregson, M^{rs} Davenport, M^{rs} Street, M^{rs} Jones.

3, Sister Miles, Sister Peck, Sister Lindon, Sister Tuttle, Sister Gibbard.

4, Sister Davis, Sister Gibbs, Sister Rudderford, Sister Hudson, Sister Nash.

5, Sister Atwater, Sister Johnson, Sen^r, Sister Judson, Sister Bishopp, Sister Meeks.

6, Sister Bradely, Sister Tod, Sister Moss, Sister Moulthrop, Goodw. Pott^r, W^m Russells wife.

7, Sister Osburne, Sister Tompson, Sister Talmadg, Sister Brackit, Sister Smith, Sister Dowlittle.

8, Goodw. Mansfeild, Goodw. Hichcock, Goodw. Harrison, Sister Merriman, Sister Barns, John Johnsons wife.

9, Ephr. Howes wife, Ralph Lynes wife, John Pott^{rs} wife, Goodw. Spining, Ben. Wilmots wife, John Allens wife.

In the Short Seates at the vpper end,

1, M^{rs} Allerton, M^{rs} Moline, M^{rs} Yale, Hannah Lamberton.

2, Sister Punderson, Sister Kimberly, Sister Elsy.

3, Tho. Trowbridges wife, W^m Trowbridges wife, Sister Tharp, Sister Daniell.

4, Sister How, Tho. Johnsons wife, Sister Browne, Goodwife Paine.

In the long Seate next the wall,
Sister Mitchell, Sister Low, Sister Holt, Sister Hall, Sister
Morris, Goodw. Ford, Sister Jackson.

In the little short seat,
Sister Allen, Sister Parmely.

Before this Seate, Sister Penington, Sister Bristow.

In the side Seates aboue the doore,
1, Sister Powell, Sister Jones, Sister Chidsea, Goodwife
Alsupp.

2, Sister Whitehead, Sister Winston, Sister Bassett.

3, Goodw. Pardee, Sister Thomas, Goodw. Gibbins, Goodwife
Row.

4, Goodw. Meaker, Sister Marsh, John Tuttlles wife, Tho.
Tuttlles wife.

Below the doore,

1, Sister Tichnell, Sister Leek, Goodw. Dickerman, Goodw.
Foot.

2, John Benhams wife, Joseph Benhams wife, Edw. Prestons
wife, Goodw. Hodgkins.

3, Goodw. Mallery, Hen. Lines wife, John Brownes wife,
Goodw. Beacher.

4, Goodwife Newman, Goodw. Hummerston, Joseph Potters
wife, Goodw. Wooden.

Before Deacon Pecks seate, Sister Parker, Sister Beamont,
Goodw. Ball.

Before M^{rs} Goodyears Seat, Sister Harriman, Sister
Glouer, Sister Munson, James Russells wife.

Before M^{rs} Allertons Seate, Sister Feild, Sister Clark,
Goodw. Sperry.

Before the pillar, Sister Cowper.

Sister Andrewes, Sister Boykin, at their desire had liberty for
conveniency of heareing to sitt in y^e Ally.

[367] AT A COURT HELD AT NEWHAUEN MARCH 4TH, 1661/62.

Roger Allen & W^m Paine were Authorised by y^e Court to
demand & receive y^e debts due to the Estate of William Blaiden

deceased, & to dispose of his house & home lott by Sale, to pay all iust debts due from the s^d Estate, the Estate remain^s (the fees of Court being deducted,) by Inventory appeares to be 2^l, 14^s, 4^d, is comitted to the Towne Treasury vntill due claime be made.

M^r Mathew Gilbert doth Alienate vnto Samuells Hodgkins, the house & home Lott w^{ch} was Originally M^r Fugills,* wth 3 acres of vpland in quarter fronting vpon the s^d house, & acres in y^e same Quarter bounded on the South with y^e highway, Allen Ball on y^e west, Tho. Powell on y^e East, James Eaton on the North.

The Inventory of the Estate of John Benham was againe presented, but being not perfect was returned to be perfected against the next Court; the house & home Lott w^{ch} sometime was Richard Platts was claimed by Joseph Benham, w^{ch} was left to be further cleared.

It was Ordered that the Estate of John Vinson deceased shall be divided in equall proportion, betwixt y^e widdow & her daughter, but the whole to remaine with y^e widdow vntill further Order.

W^m Judson doth Alienate vnto Samuells Hodgkins a home lot lyeing betwixt the home lott now in possession of W^m Judson & y^t w^{ch} sometime was posed by M^r Tench.

At the desire of M^r Tuttle, for reasons by him given, the fine of 20^s imposed vpon Sarah Tuttle May 1, 1660, was half remitted.

John Cooper in the behalf of Widdow Hitchcock propounded for the abatement of a fine of 40^s laid vpon her, Sept 6 (59) who testified in her behalf, y^t she did to him expresse her self sensible of her miscariages, for w^{ch} she was fined, approuing the proceedings of the Court against her, as y^e case was represented to them, & y^t her cariage is satisfying in y^e family where she liveth, vpon w^{ch} information the s^d fine of 40^s was remitted.

David Atwater & M^r Goodenhouse coming to the Court desiring an issue of the business depending concerning their Lands, were told that the Court had this businesse vnder consideration, but do judge that to a right determination of this question they cannot come, vntill their Lands be measured, to w^{ch} David Atwater answered, that seeing M^r Goodenhouse hath reported

* On the east side of York Street, at Library.

that he had claimed his land, he expected that hee should proue it, & to that end should measure his own land, first; he further declared, that this question was debated betwixt them before Gouverno^r Eaton, at w^{ch} time M^r Goodenhouse pressing him to lay out his land, the Gouverno^r replied to him, Is it any reason that a man y^t is diligent & carefull to keep the Bounds of his land should be put to the charge of a new Survey.

Samuell Marsh declared, that David Atwater had good ground to sell, & he himself to buy part of the land, y^t is now in question vpon these following grounds.

[368] About twelue yeares agoe, as John Cowper & hee were going to worke in the Meadow, when they were ouer against James Clarks, he s^d to John Cowper, he thought that y^t was a pretty good peice of land, & that he had a minde to buy some of it, to w^{ch} John Cowper answered, if I would buy, I would buy that hollow behinde, of Daudid Atwater, after w^{ch} hee meeting with Daudid Atwater, he asked him to buy some of his land their, w^{ch} he enclineing to, he directed him to Leiftenn^t Seely who could informe him of the bounds; accordingly he went to Leiftenn^t Seely, who described to him where the Line went, according as he found when he came to lay it out about a yeare & half after. Afterwards going to looke on y^e Land, Edw. Parker & W^m Wooden being there, & come to y^e spring, sayes Edward Parker, thereabout stood a stake in y^e Captains time, & when we came a little lower towards y^e Reare, there was a tree, w^{ch} Will. Wooden thought was a marked tree, and a little below was another, & there was another by it w^{ch} he s^d the Captaine & he fell & the Captaine thought they were in his ground, the stumps of both w^{ch} are to be seen neare his Cowyard; after this he bought of Daudid Atwater all the land on this side of the hill, not knowing the iust Bounds, but according to the description, had it altered a little the Bargaine had yet stood; afterwards vnd^rstanding from M^r Goodenhouse y^t he laid claime to the land, he acquainted Leiftenn^t Seely with it, & desired him to lay out the line, who afterwards came, & shewed them a great chestnutt tree ouer against M^r Goodenhouses, & at the Riuer a w^t oake marked with 2 noches, w^{ch} he s^d signified the second Lott, w^{ch} tree he marked with 2 noches more, w^{ch} are yet to be seene, or lately were; further he s^d that Hen. Hummerston told him that

he alwayes looked vpon it, that the path which went to the Riuer was partly in y^e land of David Atwater & partly in the land of Captaine Turner.

The passages before mentioned referring to John Cowper, he now denied, but Sam. Marsh still affirmed. Sundry other pleas were made on both sides, notwithstanding w^{ch} the Court saw not cause to alter what was before Ordered, that the Survey of both Lotts be attended. W^m Andrewes and W^m Paine chosen by M^r Goodenhouse, James Bishopp and John Harriman chosen by David Attwater are to assist in the business, y^e Surveyo^r to begin where he thinks meet, & to describe in his plott the two Lines pleaded for by the proprieto^{rs} respectively for the dividing line, with the quantity of Acres contained in each, of w^{ch} a returne is to be made to the Court, y^t so an end may be put to this long depending Controwsy.

AT A COURT HELD AT NEW HAVEN APRILL FIRST 1662

Ralph Lines as by a note (subscribed by him, dated March 31. 62, witnessed by Roger Alling) doth appeare doth alienate & pass ouer for euer vnto Henry Lines his whole Right and interest in all those lands w^{ch} were passed ouer vnto the said Ralph Lines, from John Budd Sept. 4th 1655, viz^t: [369] his whole 2^d division on the west side, containing 102 Acres, and 11 acres $\frac{3}{4}$ w^{ch} y^e s^d John Budd bought of Richard Hull, w^{ch} as Henry Lynes informed is thus Bounded, y^e land that was M^r Janes his on the East, M^r Lamberton & M^r Hickcox on y^e South, the highway y^t goeth from the water side to M^r Malbons Coue on the North.

An Inventory of the Estate of Samuel Richards late of New-haven, deceased, amounting to 2^l, 3^s, 2^d, was p^rsented by Jer. Osburne, who vpon Oath attested that it was a full Inventory of y^e Estate of the deceased according to his best knowledg, only a few old cloaths w^{ch} Thomas Richards gave to Edward Perkins, & some debts due to the said Estate w^{ch} he himself had received, & some leather left by him, which he had before engaged for his satisfaction which he had improued, excepted. William Russell & Abraham Dowlittle attested vpon oath that the apprisem^t was iust according to their best light. Jer. Osburne was told that the engagem^t he speaks of must be proued, & that he had acted

disorderly to intermeddle with any part of the Estate without Order; he was further told that the accounts betwixt him & the estate must be shewed, and the summe of the debts rec^d, & the leather by him improued, must be knowne, that other Credito^{rs} be not wronged, w^{ch} Jer. Osburne engaged to see performed.

The Inventory of the estate of John Benham was againe p^rsented, & the half house & land, w^{ch} he died possest off, was now entred, but the widdow declared that her late husband, after maridg told her that his sonne had one half of the house wherein he lived, in possession, & the other half he had given him after his decease, w^{ch} some of her freinds in the Bay heareing off, being troubled, spake to him about it, vpon w^{ch} he promised to leave her a house & lott worth 20^l. Joseph Benham now testified that his Father did promise to provide a house for his Mother in law, but to what vallue he knew not. The widdow also declared that her husband spake to John Benham about selling his part of the house, vpon w^{ch} he desired him to let it rest vntill he came home againe, he being then goeing vpon voyage vnto Virginia. Joseph Benham also declared y^t he heard his Fath^r tell his Brother y^t he intended either to buy or sell, & that hee answered, he might doe as he saw good, so far as concerned his own Life. For the cleareing of that question concerning Joseph Benhams claime to the old house or Barne, & home lott w^{ch} was sometime possessed by Rich. Platt, the Widdow Benham declared that she had heard her husband say y^t he had given an old house & home lott to his sonne Joseph; who also said the same to her daughter Mary, & shewed her what he had given him. The Inventory before spoken off was not yet compleated, but by what did appeare, there being no likelyhood of any estate for the widdow who refused the administration (the debts being paid) vpon a motion made, It was therefore desired of Thomas Munson & John Harriman, that they would procure a meeting of the Credito^{rs} to the said estate, to proue them, what they will freely abate of their iust demands, that something may bee for the comfort of the widdow, in her desolate condition, of w^{ch} they are to make a returne the next Court.

[370] W^m Gibbard haveing taken vp a Stray about Decemb^r 1657, w^{ch} had been cryed & recorded &c, desired sentence of the[m] w^{ch} was taken into consideration till next meeting of y^e Court.

AT A GENERALL COURT HELD AT NEWHAUEN APRILL 28TH 1662.

The veiwers of Fences, chosen by the Townsmen for the yeare ensuing are as followeth:

for M^r Davenports Quarter, John Hall, Samuel Andrewes.

for M^r Lings Quarter, Jeremiah Hull, Samuel Blakesly.

for the South part of M^r Goodiers Quarter, Hen. Glou^r, W^m Russell.

for the North part of that Quart^r, Christoph. Tod, Tho. Johnson, Sen^r., the bounds of their Veiw, as was Ord^{red}, Nouemb^r 8, 1658.

for the Suburbs Quarter, John Allen, George Ross.

for the little Quarter, Sam. Whitehead, Abraham Dickerman.

for Springfeild, George Smith, Tho. Lampson.

for the 40 acres nere y^e West Riuer, Isaac Beacher, John Tuttle.

for the Feild at y^e plaines, John Harriman, Nicholas Elsy.

John Cooper & James Bishopp were chosen deputies for any Jurisdiction General Court, or Courts, that shall be, before the Court of Election next.

Will. Andrewes, Tho. Munson, Roger Alling, John Harriman, Henry Glouer, W^m Bradly, W^m Paine, were chosen Townsmen for the yeare ensuing.

A small peice of land propounded for by Bejamine Wilmott, Feb. 10, 1661 (vpon a returne of a veiw made by Sam. Whitehead & Isaac Beacher) was granted, vpon Condition that the Towne shall haue a Cart way through his land to the rock, as occasion may require.

M^r Gilbert informed the Towne that there had been a late view of the meeting house, by Will. Andrewes, Tho. Munson, & Thomas Morris, who being desired to report to the Towne how they found it, declared that one of the Pillars & one of the long girts is very rotten; how they may be mended they declared, w^{ch} was Ordered to be done, the care of w^{ch} business was left with the Townsmen, who were also desired to take downe the Railes on the Towre. The drummer was Ordered to beate in the Markett place, so as may best sute the Towne for hearing.

Captaine Seely* being returned from England, a Motion was

* Robert Seelye, a hero of the Pequot war, had heretofore lived in Wethersfield and New Haven. He did not remain here.

made in his behalf, for some Encouragm^t for his Settling amongst vs, wherevpon it was agreed, that Triall might be made what would be freely given to him for his p^rsent supply. To w^{ch} end seuerall were appoynted to speake with their neighbours, as here followeth; Tho. Kimberly for M^r Davenports and M^r Jones his Quarter, Jo. Cooper for y^t Quart, Tho. Beament for y^t Quarter, James Eaton for M^r Tuttles quarter, Hen. Glouer y^t quarter, Roger Allen y^t Quart^r, Jo. Harriman y^t Quarter, Sam. Whitehead for both sides y^t Creek, Franc Brown for y^t part, David Atwater for this side the East Riuer, Jo. Brackit [371] the other side of the East Riuer, Mathew Moulthrop for the Stony Riuer & South End, Ralph Lines for the Farmes on y^e West side. William Meaker now promised a boosh of wheate.

Leiftenn^t John Nash & Will Gibbard were nominated to be propounded at the Court of Election next for Magistrates, w^{ch} being done W^m Gibbard declared that he had hoped what he exprest, the last yeare, & the reasons he then gaue (when the same thing was vnder consideration) would haue been remembered, w^{ch} reasons he said still remained the same. Leiftenn^t Nash s^d that he had weighty reasons to alleadg, why he could not accept of it, with a good conscience, w^{ch} were not so fit there to be spoken, but if the Court pleased to appoint two faithfull men to heare what he had to say, why he should not be chosen to such a place, hee would attend it; to make choyce of any to heare what Leiftenn^t Nash had to say, the Court proceeded not, but desired them both to consider of it, & take advice, w^{ch} they engaged to doe.

AT A COURT HELD AT NEWHAUEN THE 6TH OF MAY 1662.

The Inventory of the Estate of John Benham was againe p^resented vpon w^{ch} Roger Allen informed the Court that he had by letter of Attorney from John Benham, received Order to lay claime to the half house &c. prised in the Inventory at 33^l, who desired y^t y^e s^d claime might be taken notice off, & that the s^d house might not be disposed off vntill John Benham might returne from Virginia w^{ch} he expected might be this moneth or the next, w^{ch} respitt the Court granted. The Inventory of the said Estate

aboue mentioned did amount to 89^l, 03^s, 00^d, w^{ch} was by the widdow of y^e deceased (vpon the oath formerly by her taken) attested to containe the whole estate of her husband deceased to the best of her knowledg. Thomas Munson & John Harriman vpon the oath by them formerly taken attested to y^e vallew. Thomas Munson & John Harriman declared that according as they were desired, they had spoken with seuerall C^r. to this Estate, whose Names are here mentioned, who declared themselues willing (prouided the half house, &c. be not found to belong to this Estate) to accept of 15^s in the pound, w^{ch} they remitt, for the comfort & help of the widdow of the deceased.

The Church Treasury	W ^m Judson	John Harriman
Roger Alling	Richard Bryan	Tho. Powell
Henry Glouer	Hen. Rudderford	M ^r Gilbert
Christopher Tod	Tho. Trowbridge	W ^m Gibbard all
David Atwater		

[372] Will. Judson doth alienate for euer vnto Hen. Hummerston his whole proportion of vpland on this side the East Riuer containing about 84 acres, deacon Miles on the South, Joseph Mansfeild on the North, the Meadow on the East, also 20 Acres of Meadow being his whole proportion there, with a highway on the North, deacon Miles on the South, the Riuer on the East, the vpland on the West.

M^r Samuuell Kitchell doth alienate for euer vnto the Townsmen for the vse of the Towne of Newhauen, the house & Barne with the malting house, wth the whole accomodations of vpland and meadow, with all the priuiledges therevnto belonging, as he had it of M^r Robt Newman, a small corner of vpland sould to Tho. Johnson excepted.

Benjamin Wilmott haueing paid (as he said) to the Treasurers of New Hauen, the somme of 20^l vpon the account of M^r Fugill, the Court now settled vpon him for euer 24 acres of land lying neare the west Rock, with the house, barne, & yard therevnto belonging, the afores^d Benjamin Wilmot now engaging to make it appeare that all accounts concerning y^t 20^l be cleared.

At a meeting of the Court May 23th 1662, M^r Will. Jones took the oath of Fidelity, with this following Caution; That whereas the King hath beene proclaimed in this Colony to be o^r Soueraigne & we his loyall Subjects, I doe take the said Oath with

Subordination to his Maj^{ties}, hoping his Maj^{ties} will confirme the said Gouernment for the Advancm^t of Christs Gospell Kingdom & ends, in this Colony, vpon the foundations already laid; but in case of alteration of the Gouernm^t in the fundamentalls thereof, then to be free from the said oath.

M^r Mathew Gilbert doth alienate for euer vnto Edw. Keely 4 acres & a quarter of vpland, in M^r Dauenports Quarter, the land lately belonging to John Peakins on the West, M^r Gilbert on the East, the highway by Oyster shell feild on y^e South, the other highway on the North.

AT A GENERAL COURT HELD AT NEWHAVEN MAY 23, 1662.

M^r William Jones was admitted Freeman, & tooke the Charg belonging to the Freeman.

John Cowper & James Bishopp were chosen deputies for the Generall Court next: Tho. Munson the third in choyce.

M^r Will. Jones was nominated to be propounded at the Court of Election, for a Magistrate.

An Order made by the Jurisdiction Generall Court last, concerning choyce to the Magistracy at y^e next Election was read.

Roger Allen was chosen Treasurer	} both for y ^e yeare ensuing.
Abrah. Dowlittle chosen Marshall	

The settling of Newhauen Court was respited vntill the election be past.

Leiftenn^t Nash, standing under nomination for Magistracy declared that he had both considered the matter & taken advice, but vpon Reasons findes that he cannot be perswaded that he is called to such a place, w^{ch} Reasons he againe tendered to declare to such faithfull men which y^e Court shall appoynt, but non were deputed by the Court to that businesse.

[373] Mathew Row the Milner being sicke, deacon Miles was desired to supply his place at the Mill; he said he was no Milner (though some thing he had done that way in England when the Milner was out of the way) but was willing to doe what he could for y^e Towne in that businesse: It was left with the Townsmen to vse their endeauo^{rs}, that some fitt man be procured

to grinde for y^e Towns vse, who are desired to take some fitt season to cleare y^e accounts betwixt the Milner & the Towne, & to agree wth y^e Milner for another yeare if it shall please God to restore him to health, & to chuse two fitt men from among themselves who shall from time to time Order the disposall of y^e Corne y^t at the Mill belongs to the Towne, w^{ch} accounts are to be taken euery Moneth.

John Hall was appointed to looke to the boyes that sitt neare him in y^e meeting house to p^ruent disorders among them.

AT A MEETING OF THE COURT THE 23TH OF MAY 1662

Francis Browne, Administrato^r to the Estate of Edward & Grace Watson informed that since the Inventory was p^rsented, y^e said Estate amounts not to the same summe as then it was thought to doe; he desired that the true somme he standeth charged with might be knowne, & vpon examination it was found that vpon the Inventory the summe totall of the estate was 80^l, 3^s, 8^d $\frac{1}{2}$ to w^{ch} must be added 12^s due from Tho. Johnson, w^{ch} makes the Estate to be 80^l, 15^s, 8^d $\frac{1}{2}$, out of w^{ch} there is to be deducted 35^l, 8^s 6^d, as by the particulers doth appeare, to Hannah Walker 22^l for w^{ch} Franc^s Browne as Guardian stands engaged, for cloathing allowed for the children 5^l, 9^s, 0^d, threshing pease 13^s, to M^r Jones 4^s a debt, to M^r Shearman & M^{rs} Wells at Stratford 3^l, 10^s, 0^d, allowed vpon mechants pay, 12^s ouercharged vpon Benham, 2^l, 9^s, 6^d Fees of Court, wth other charges 11^s, w^{ch} brings downe the estate to 45^l, 7^s, 2^d, 0^f, for w^{ch} somme Francis Browne as Administrato^r standeth engaged to the 2 children of Edw. & Grace Watson.

Francis Browne informed that Grace Watson on her death bed being asked to whom she would dispose her daughter, she answered, to Sister Browne. According to her desire both himself & his wife were willing to keep her vntill she come to 18 yeares of age, & then to make paym^t of the portion now due to her out of her Fathers estate, & for the Boy he would keep him vntill Nouember or Decemb^r next ensuing; & whereas it appeareth in y^e Records March 5 60/61, that a third part of the house & land assigned to Mary Walker seemed to be vnder some

question, the Court now declared that vpon further consideration they finde no ground for that question.

An Inventory of the Estate of Gervase Boykin, late of New-
hauen, was p^rsented, taken the amounting to the
somme of w^{ch} was the widdow of the deceased vpon
oath attested to containe y^e whole estate of the deceased to the
vallue of 10 or 20^s to the best of her knowledg. Leiftenn^t Nash
& deacon Pecke vpon oath attested y^t the vallue was iust accord-
ing to their best light.

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AT A MEETING OF YE COURT JUNE 9TH 1662

An Inventory of y^e estate of M^r Will^m Osborne deceased, soe much of the estate as was found in this jurisdiction was presented amounting to which was by y^e widdow of y^e deceased attested vpon oath to containe the whole estate of her husband as it stood when apprizement was made to the value of ten or twelue shillings to y^e best of her knowledge; only six pound expended on childrens cloathing, prouisions of y^e family, & fun-
erall charges excepted.

Richard Miles and John Cooper vpon oath attested that the apprizem^t was just to y^e best of their light.

AT A GENERALL COURT HELD AT NEW HAUEN: JUNE 16TH, 1662

George Pardee was admitted Freeman and tooke the Freemans charge.

The Orders of y^e Gen^l Court for y^e jurisdiction in may last was read.

After this the Court proceeded to y^e choise of deputies for the towne Court & Secretary Wherevpon after the votes was giuen in, it appeared that M^r John Davenport Jun^r, Leiftenn^t John Nash, Ensigne Thomas Munson & James Bishop was chosen deputies for the yeare ensueing.

After y^e choise appeared, M^r John Davenport declared y^t when he was chosen Deputy, y^e last yeare, they might remember that

he had sundry reasons & some not meete to be exprest why he could not accept it but by importunity that was vsed he did at last accept it, & he could say that according to his light & ability he had endeavoured to act in that trust for the good of the place, & did propound y^t if any in Court or towne were vnsatisfied he would attend their satisfaction according to god & declared that though in himselfe he was meane & low, yet he did not refuse to doe seruise, & should by all good meanes further the good of y^e place out of loue to the people of god here, but his owne occasions was such this yeare that he could not accept of y^e place but desired y^e deputies (to whom he directed his speech) y^t they would mind their duty in seeing the Law attended for the Education of children, & further desired y^t it might be without offence that he withdraw; but afterwards was perswaded to sit downe with y^e rest of y^e deputies.

Leiftenn^t Nash sayd that he had bene deputy long & therefore desired to be freed & his reasons are y^e same as they was the last yeare, & as he sayd then soe now if they would free him from his place in y^e military affayres he would serue in this, or free him in this & hee would serue in that, & he further sayd that it was very great difficulty in y^e seruise of a deputy, & desired y^t he might vnderstand the worke of a deputy, whether the sitting in y^e monethly Court was only expected; The answer was Noe, but it should be made as easie as they could in point of meetings. Soe he accepted the place.

M^r Will^m Gibbard was chosen Secretary for y^e yeare ensuing.

M^r Gilbert informed y^e towne that there had bene some thoughts (considering y^e late drought y^t is like to shorten y^e cropp) to make stop of corne, or at least of some sorts of it; vpon which was occasioned complaints of much dammage done by horses &c & other cattell in y^e corne which was like to bring scarcity [375] vpon vs which was largely debated &c. Then it was propounded y^t they that were in want of corne would giue in account of it. Then Sam^l Blakely did declare that he did want but noe other. Then M^r Rutherford, M^r Hodshon & M^r Tho. Trowbridge did freely engage to leaue & not export each of them 20 bushells at least of wheate & indian that shall here remaine for the suply of such as are in need provided due payment be made, this to remaine vntill a moneth be expired.

M^r Feild propounded that order might be taken y^t leather might not be sent out of the towne which is like to be great want off if it be; M^r Hodshon pleaded y^t he saw not but he might send leather away, he supplieing hides. The tanner was called & asked what store of leather he had; he s^d that he had not enough to find shooes for the towne & townes adjacent; he was desired to vse endeavo^{rs} that shoemakers in y^e towne may be suplied that soe there may be shooes for the inhabitants: a further consideration of this matter was left to another time.

The law concerning Education of Children was read, & the inhabitants were wished to take notice of it, & attend duty in reference therevnto, & was told y^t further care would be taken about it that soe god may be honoured by vs & our house as we haue bene taught.

A later law alsoe for the restrayning of disorders amongst young persons was read; & y^e Towne wisht to consider of it that those sinfull exorbitances might be reformed & avoyded.

W^m Payne informed y^e Court that y^e last day of humiliation he saw very great disorders in two sitting in y^e souldiers seate, laughing, strugling, & pulling a hatt one from another; & alsoe he heard that M^{rs} Goodyeares boy had his head broke y^t day in the meeting.

Bro. Lines sayd that his wife, Goodwife Perkins & Sister Tichenell would testify concerning disorders in Sam. Ford, Jn^o. Thomas jun^r & Jonathan Lampson.

Bro. Elsie said y^t a woman did soe speake y^t shee saw such disorders y^t shee doubted y^t y^e wrath of god would be brought vpon vs.

Bro. Lines was to be enquired off what he intimated concerning some y^t did not obserue y^e fast but went to labour.

John Brocket said that this businesse about disorders hath beene often complained off; he desired it might be considered to be punished least others be encouraged by their euill example.

M^r John Davenport said y^t he feared Masters & parents were wanting in instruction of those vnder their charge how to carry to superio^{rs}.

Sam^l Blakely was chosen pounder for M^r Lings quarter & Richard Johnson for y^e subburbs quarter & W^m Payne for M^r Davenports & y^e litle quarter; this was till indian corne haruest

be ended. This was done vpon complaint of dammage by horses &c, wherevpon a question was propounded, whether working cattell might not be fed in y^e quart^r? Answ^r was given out of y^e printed law No, vnles &c.* & whether horses might not be tedered in y^e quarter, which was vpon debate found to be of necessity to be granted for y^e carrieng on of husbandry, wherevpon many declared (w^{ch} seemed to be generally y^e mind of y^e towne) that men might soe doe vpon their owne land or by leaue of y^e proprietors of such land & not otherwise.—Absent, W^m Andrewes, Tho. Lampson, Christopher Tod, Isaacke Beecher, Jn^o Tuttle, Joseph Benham.

[376] AT A COURT HELD AT NEWHAVEN JULY FIRST 1662

Will^m Andrewes Sen^r was called for absence the last towne meeting whoe pleaded that he knew nothing of it: the marshall sayd he left warning at his house wth his wife & she gaue him this answ^r that his worke was at iron works: but W^m Andrewes said his wife remembers it not, & further said that his occasions was vrgent & many depended on him, which apology was accepted.

Tho. Lampson calld but at first answered not. After he came & made his apology that he was imployed about his wife, which was accepted.

Isaacke Beachers answ^r by y^e Marshall was y^t he would pay his fine.

Alsoe for Christopher Tod Answ^r was made that he was loading a vessell which was accepted.

John Tuttle & Joseph Benham not being warned was to be called vpon the next Court.

An inventory of y^e estate of Edward Parker deceased was p^rsented amounting to 124^l; 00: 00. Widdow Parker attested vpon oath that it was the whole estate of her husband to y^e value of ten shillings to y^e best of her knowledge. Roger Alling & James Bishop vpon oath attested that the apprizem^t was just to y^e best of their light & knowledge. Widdow Parker being asked if her husband made noe will, she answered that there was none to y^e best of her knowledge: shee alsoe accepted the admin-

* See the Colony Laws, in N. H. Colonial Records, ii, 579; "unless by some generall expresse agreement of such as are interested."

istration & desired that y^e estate might remaine with her for the comfort of her children, which was granted by the Court vntill further Order.

Sam^{ll} Potter being called to answ^r for some miscarriage on y^e last fast day which was that John Hitchcocke sayd he awaking Sam. Potter in y^e meeting he kicked him: Sam^{ll} Potter answered that he was not well & leaning on y^e Bench on his arme, but was not asleepe & y^t he knocked him many times & threw peices of lime at him which did provoake him; it being enquired whoe threw the lime? Stephen Pearson said y^t he threw two peices of lime, he not riseing vp nor wakeing haueing beene soe often stricke which appeared y^t he was asleepe. Sam. Potter charged John Hitchcocke y^t while he was heareing in y^e midle of y^e sermon he strooke him on y^e arme. John Hitchcocke answered it was because he had kicked him. Sam^{ll} Potter was told y^t it doth not plainly appeare whether he was asleepe or not, but y^t he should avenge himselfe by kicking was very euill, but it was seene y^t he was litle sensible of it. Sam^{ll} Potter professed y^t he was sorry y^t he should soe carry it as to kicke him & desired to see his euill & was sensible of his sin & promised y^t for time to come he should neuer lift vp hand or foote against any: wherevpon the Court was pleased to passe it by.

Thomas Wheadon appeareing claimed a promise made to him by the Deputy Gouern^r that he should be righted if any should reproach him for the seruise he did in the execution of W^m Potter* & desired justice against W^m Bassett & his wife, who had reported that hee did it for gaine, by which speech he said they had slaundered him, wherevpon the examination taken June 25th last being read, W^m Basset desired that Tho. Wheadon might prooue y^t he had soe spoken: he was wisht to consider what Joseph Mansfield had testified, which testimony he had owned, & whether his carriage in this busines hath not an appearance as if he judged the sentence against W^m Potter not just, and the Magistrates imprudent in that they did imploy such a man as Thomas Wheadon in the execution; vpon his conceite because he sometime liued in his house, & was now a neighbour therefore he must not doe it. To which W^m Basset answered that he now saw that he had reproached & slaundered Thomas Wheadon for

* Executed for bestiality, June, 1662.

which he was heartily sorry, [377] hopeing it should be a warning to him while he liued, but that he did at all intend to lay any blemish on the Court, it came not into his thoughts, for he fully approued the sentence, & had sayd if none could be found to execute the sentence, we must all lay our hands to it. The Court alsoe told Sister Basset that they could not but witnes against it as a great euill in her, to speake as shee did to Goodwife Potter on the Sabbath day, & the same day as its reported to Goodwife Foote to y^e same purpose: Sister Basset answered that for any speech to Goodwife Foote she remembered not, wherevpon Goodw. Foote being sent for, witnessed that on the Sabbath day in the morning, Goodw. Basset & she comeing towards y^e meeting when they were about the great guns Goodw. Basset spake to this purpose that Tho. Wheadon did what he did for gaine, vpon which she prayed her not to trouble her wth such busines at that time, to which Goodw. Basset replied that the truth was to be knowne on y^e Sabbath day as well as at other times. Sister Basset then did acknowledge as she had done before, that shee did soe speake to Goodw. Potter, for which she professed to be sorry for, & y^t it was a great trouble to her, but that she went with Goodw. Foote to the meeting, or soe speake on any Sabbath day to her she said she remembers not. The Court haueing considered the case of W^m Basset & his wife, as it may be interuption to the execution of justice, by speakeing to the reproach of a man prest to that seruise, did Order that he pay forty shillings fine to y^e publike: but as the case refers to Tho. Wheadon there being wrong pleaded on both sides which is not in some particulars sufficiently cleared by what hath yet beene said, they were therefore Ordered to appeare wth their prooffe the next Court, if in y^e meane time they agree not to mutuall satisfaction betweene themselves.

John Thomas jun^r, Jonathan Lampson, John Hichcocke, Stephen Pearson & Sam^l Ford being warned to attend y^e Court to answer for seuerall disorders in y^e publike assembly of which they had bene examined June 16 (62) they now appeared, only John Thomas was poysoned in his hands & feete therefore appeared not. And first theire examination was read & they told that they had time to consider of w^t euill they had done in this busines & were desired to expresse w^t they had to say. But Jn^o

Alling further complained against Jonathan Lampson y^t he had sayd y^t he tendered oath to y^t which was not true at M^r Joanes his house when they was examined; this Jonathan Lampson could not deny y^t he had soe sayd: John Alling further sayd that hence it is reported in Towne y^t he did prefer to take a false oath, & y^t seuerall sisters doe put him vpon commeing to cleare himselfe. The Magistrates & two of the deputies y^t was present at examination sayd y^t they remember not y^t he tendered any oath. Jonathan Lampson was further examined about his moueing Jn^o Clarke to goe to Joseph Tuttlles shop on y^e election day in sermon time; he said he could not tell whoe was first mouer, but could not deny but he was. He was further asked w^t he had to say concerning w^t his father had testified against him at his examination & was wisht to consider the roote of pride and prophanenes from whence it comes & he being his fathers only sonne which should be a comfort to him, should be such a greife to him & his carriage such as renders him incorrigible in some degree.

[378] John Hichcocke was called & told y^t his carriage was very offensiuē & y^t passage in particular concerning Serj^t Whitehead which he confessed he spake to John Hill; viz. y^t he heard his M^r had him in his booke for seuerall miscarriages, but bid him, sayth he, blot me out of his Booke for I am mended & growne worse againe: he was asked why he spake of a booke. He answered, y^t he meant what he had in his mind but it was a word he had taken vp by himselfe & Dan. Thomas & Nath. Boykin had taken vp the same: And for y^e speech with which he was charged, about answering his dame soe sinfully, y^t is, that he therefore did not doe things because she bid him, he now confessed y^t he sayd soe. These two Jonathan Lampson and John Hichcocke being baptized here & going on in these sinfull courses were told y^t they was guilty of sacramentall perjury & were wisht seriously to consider of it.

Stephen Pearson was called whoe acknowledged that he did lie along vpon the seate in such an vncomely manner & that there was struieing betwixt John Clarke & himselfe about a hat in the time of diuine worship; & desired to be humbled for his sin & hoped he should not goe on in such wayes any more.

Samⁿ Ford alsoe said that he had considered of his sin & sees

that he had carried it vnsutable to that day, & hoped it should be a warning to him y^t he doe not soe dishono^r god againe.

The Court haueing considered of y^e matter did by way of sentence declare that they haueing considered their miscarriages find especially some of them to be deeply guilty of prophaning y^e Sabbath & for Jonathan Lampson considering w^t his father hath exprest y^t he hath vsed private meanes & he not y^e better & John Hichcocke apeares to be a disobedient seruant to his dame & a scoffer therefore the Court sentenced these two to be corporally punished by whipping.

And for Stephen Pearson they looke vpon him a very sinfull & euill instrum^t therefore sharpely to be reprooued & was bid to take warning y^t he fall not into like courses againe; they shall not at p^rsent censure him to punishm^t, but vpon good testimony y^t may come in of his better carriage shal forbear, but if any further complaint come in against he must expect it.

And for Sam^l Ford he was wisht seriously to consider of his sinfull folly & take warning.

Bro. Lampson desired y^e Court would forbear y^e punishm^t of his son at this time for he had seene some amendm^t, & some neighbo^rs obserued it, & Abraham Dowlittle testified y^t he heard some report y^e same. Jonathan Lampson said that he desired to be sensible of his sin against his father, & the dishono^r y^t he had done to god in point of y^e Sabbath.

John Hichcocke alsoe owned his sin & alsoe his euill in reporting to Stephen Bradly y^t his brother Jn^o Alling accused him to y^e magistrates. Afterwards y^e Court vpon y^e request of Bro. Lampson for his sonne & the desire of Sister Lindon for her seruant did respite theire correction.

There being not roome in y^e booke for theire examinations therefore it is here annext in paper by it selfe.

Finis

[Upon the fly-leaf at the end of the book, is the following.]

An Inuioize of Amuniton and other goods, belonging to New-[1] hauen, made by the Townsmen at present, as they can get light, what there is, and where it is, February 1th, 1657.

Fire lock muskits	19
Coates for souldio ^{rs}	20
Swords	3
belts for swords	6
old knap sacks	13 wants 7
new Snap sacks	21
Carthrages boxes, of leather	19
powder Horns	12 wants 3
Tinn chargers	185
priming boxes	12
wooden chargers	11
Barrells of gunpo ^r	4
and two barrells more y ⁿ halfe full	
Pistoll shott	177 ^l
muskit shott	81 ^l
match	11 ^l
A paire of pistoll shott molds	
fire Locks	3

A Mattock
A seale for Leather
A seale for bushells
A seale for waights & wine measures
A brand marke for horses

Drumms one in vse, & two old rimms, and two new spare heads, at Tho. Kimberly.

Flints for fire locks, aboute ½ a pecke.

Leaden waights for a standart, that are now wth y^e sealers in office.

One 2^l waight, two single pound waights, one halfe pound, all of Lead. Measurs, 1 bushell, one halfe bush: Pikes, Armed & some vnarmed

whole pikes	42
halfe pikes	11
Allen Ball oweth a halfe pike to y ^e Towne	

Furniture for Horses
Saddles wth girts for patternes
and cruppers 4
Also fūe case of pistolls
also bridles wth Curb-bitts 4
Ther is also a chest wth some glass
in it, a pretty quantitie of new glass,
& some old.
Coulars for an ensigne for y^e
Company
3 Halberts for Serjants for y^e Com-
pany.

The great Artillery.
3 great gunns at water side, vpon
shipp cariages, wth claspes and locks,
at muzzells & touch holes, in the
care of William Russell.

3 more of the greater Cise in the
markit place vpon feild cariages.

For those at the water side there
is in y^e keepeing of William Russell
worme and ladle 1
Rammes and spunges 2
shod handspikes 6
Iron Croe-barrs 2
a quadron for to leuell a gunn, with
priming Irons, Gimlits and bitts
to cleare y^e Touch-holes 5
powder horne 1
pap^r carthrages 11
a quire of pap^r for Carthrages
a budg barrell 1
Linstockes 3
Iron shott in number 60
One Iron pott to boyle tarr in

For those great gunns in y^e markit
place, ther is at y^e prison

Case shott for the great guns	6
Case shott for y ^e two lesser guns	6
worme and rammer	1
Rammers and spunges	
Ladle	1
scourer	1
Tampins to make Carthrages on	2
Iron shott, some round, some spike shott & on barr shott in all in numbr	49
great Tackle blocks	2

[2]

Feb. 1th 1657

The Amunition and goods belonging to y^e Towne are disposed
of by y^e Townsmen, that they may be secured from dammage, as
followeth:

The Indian Coats are disposed of to
be

Kept, by John Nash	3	} 20
by Serjant Munson	4	
by Serjant Whithead	3	
by Serjant Boykin	4	
by William Bradley	3	
by Thomas Kimberley	2	
by Jn ^o Jackson by leaue from the Magistrate	1	

For those gunns at y^e water side,
there is in the keepinge of William
Russell, as is mentioned on y^e other
side

The worme, ladle and rammers and
spunges

The shod hand spikes

The Iron Croe barrs

The quadron

The priming irons ec.

one po^r horne

The pap^r Carthrages, and pap^r

The three Linstocks

The budg barell & the 60 shott

The muskits are disposed to be kept

by John Nash	3	} 19
by Thomas Nash	16	
and three firelocks		

The three Swords are wth Serjant
Whitehead.

Ther is one drum in vse wth Tho. Kimberley, and 2 spare heads.

Ther is two drum rimms and an old head in the prison.

The seales for measures & waights are wth those that are sealers and the weights also; and the brand marke for horses is at Rogger Allens.

The pikes are in a chest in the Meeting house.

An old bushell for measuring and one halfe bushell are wth Brother Peck the Treasurer

The things in the prison chamber are foure whole barrells of gun po^r. and two barrells halfe full & better. Also, The shott, both pistoll & muskit

Also the belts

Also the knapsacks

Also y^e Carthrages boxes of leather

Also the tinn boxes, and primeing boxes, and chargers.

Also the powder hornes

Also the ir^l of Match

Also the flints

Also the pistoll bullit moulds

Also the Mattock

Ther is also in the prison for the great gunns in the markit place

The case shott, The linstocks,

The worrne, scouerer & ladle

Rammers & spunges:

The Tackle blocks,

and the iron shott.

Ther is also in the prison a chest wth glass in it, some new glass a pretty quantitie, and some glass that hath bine in vse.

The furniture for the horses were disposed of in y^e end of March, 1657.

To Serjant Munson, one sadle, 1 bridle and one case of pistolls.

To brother Miles, one sadle, 1 bridle and one case of pistolls.

To bro. Gibbs, one sadle, 1 bridle, and one case of pistolls.

To Rogger Allen, one sadle, 1 bridle, and one case of pistolls.

To bro. William Bradely one case of pistolls.

By two Orders made y^e one in Aprill 44, the other in Septem. 1649, it appears that the quantitie of po^r. to 100 men, to be kept as a Towne stock, is 300^l, and 700^l waight of shott, beside match for match locks.

[Upon the fly-leaf, at the beginning of the book.]

DEPUTIES OATH

Yow A. B. being chosen deputie, or assistant for the perticular Court of Newhauen in Newhauen Jurisdiction for this yeare and till new bee chosen, or other Order taken: doe here sweare by the great and dreadfull name of the Ever-living God, that you will doe Equall right and Justice in all cases that shall come before yow, after yo^r best skill and knowledg, according to the wholesome Lawes here established: So help yow God: Ec

FREEMAN'S CHARGE

Yow shall neither plott, practiss, nor consent, to any euill, or hurt, against this Jurisdiction, or any part of it, nor against The Civill Gouverment here established: And if you shall know any person or persons, w^{ch} intend, plott, or conspire, anything, w^{ch} tends to the hurt, or prjudice, of the same, you shall timely discover the same to Lawfull Authority here established, and you shall assist, and be helpfull, in all the affaires of the Jurisdiction, and by all meanes shall promoue the publick[e] wellfare of the same, according to yo^r place, abillity, and opportunity; you shall giue due hono^r to the Lawfull Magistrats, and shall be obedient, and subject, to all the wholesome Lawes, and Orders, already made, or w^{ch} shall be hereafter made, by Lawfull Authority afforesaide, and that both in yo^r person, and estate, and when you shall be duely called, to giue yo^r vote, or suffrage, in any Election, or touching any other matter, w^{ch} concerneth this Commonwealth, you shall giue it, as in yo^r conscience, you shall judg, may conduce, to the best good, of the same.

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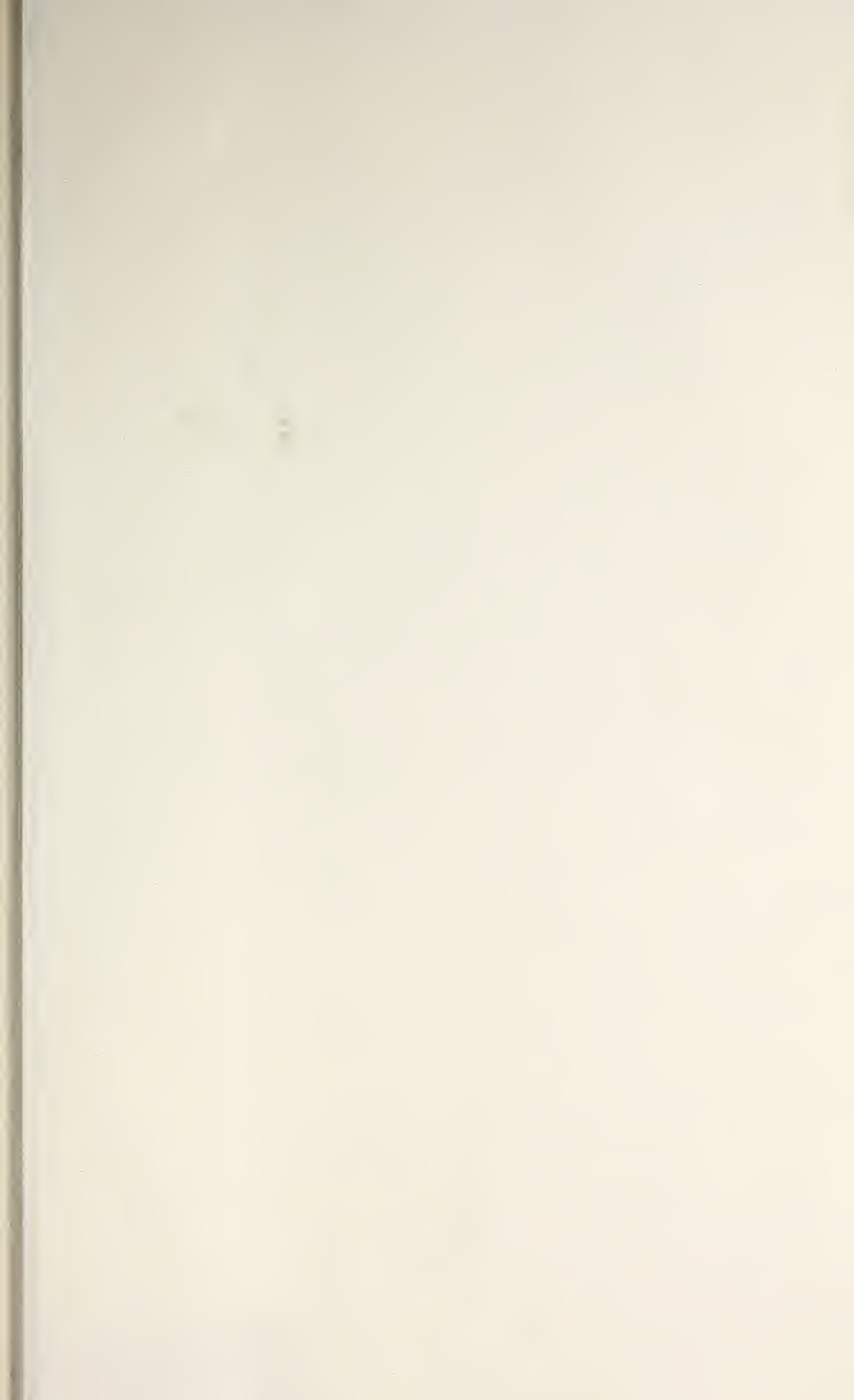
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Errata

Page 80, in place of the last two lines, read: Probably Widow Hannah Beecher, the midwife, who had previously been a Widow Potter.

Page 113, last line but one, for southwest read southeast.

Page 270, last line, for Jacob read Cornelis.





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